

OIL SANDS ENERGY GOVERNANCE:
AN ETHNOGRAPHY ON NEGOTIATING DEVELOPMENT AND INDIGENOUS RIGHTS
IN NORTHERN ALBERTA

A Thesis Submitted to the
College of Graduate and Postdoctoral Studies
In Partial Fulfillment of the Requirements
For the Degree of Master of Arts
In the Department of Archaeology and Anthropology
University of Saskatchewan
Saskatoon

By
KATHERINE WHEATLEY

© Copyright Katherine Wheatley, September 2018. All Rights Reserved.

Permission to Use

In presenting this thesis in partial fulfilment of the requirements for a Postgraduate degree from the University of Saskatchewan, I agree that the Libraries of this University may make it freely available for inspection. I further agree that permission for copying of this thesis in any manner, in whole or in part, for scholarly purposes may be granted by the professor or professors who supervised my thesis work or, in their absence, by the Head of the Department or the Dean of the College in which my thesis work was done. It is understood that any copying or publication or use of this thesis or parts thereof for financial gain shall not be allowed without my written permission. It is also understood that due recognition shall be given to me and to the University of Saskatchewan in any scholarly use which may be made of any material in my thesis.

Requests for permission to copy or to make other use of material in this thesis in whole or part should be addressed to:

Department of Archaeology & Anthropology
University of Saskatchewan
55 Campus Drive
Saskatoon, Saskatchewan, S7N 5B1
Canada

OR

Dean
College of Graduate and Postdoctoral Studies
University of Saskatchewan
116 Thorvaldson Building, 110 Science Place
Saskatoon, Saskatchewan S7N 5C9 Canada

Abstract

Alberta's oil sands constitute one of the largest and most contentious industrial extraction sites of our time. While the ecological and geopolitical effects of extraction in northern Alberta attract global attention, the local politics of energy development are relatively understudied. This ethnographic research deepens understanding of the processes of energy governance in Alberta.

Based in Fort McMurray, at the heart of the oil sands, I employed institutional ethnography to investigate the changing political processes and social negotiations that surround energy extraction in northern Alberta. My anthropological research was based in the Mikisew Cree First Nation Government and Industry Relations Office. Mikisew has navigated a variety of legal and political spaces to protect their treaty and Aboriginal rights, and to enhance their self-determination. From May to September 2017, I engaged in participant observation, open-ended interviews, document and policy analysis, and a focus group.

The body of my thesis comprises three chapters, which investigate:

- The shifting landscape of energy governance in northern Alberta, highlighting emergent trends such as regulatory capture and engagement-oriented reforms.
- The changing strategies espoused by Indigenous communities in the oil sands to defend their rights and interests, and more specifically, Mikisew's political mobilization.
- Mikisew's experience advocating at UNESCO's World Heritage Committee.

I argue that while attempts are being made to enhance the participatory capacity of energy governance in northern Alberta, resource extraction in the region is managed by a relatively closed community of experts, resulting in the discounting of Indigenous voices and rights. In order to combat the traditionally closed practice of energy governance in Alberta, Indigenous mobilization has become increasingly sophisticated, growing in capacity and complexity. Mobilization strategies primarily comprise litigation, government consultation, industry negotiation processes, and advocacy. These strategies are strategically pursued and deployed in contextually dependent manners.

The imperative of reconciling Indigenous rights, environmental sustainability, and Canada's energy needs is ever increasing. Critical social research helps elucidate these trade-offs, as well as the manners in which Alberta's governance regimes negotiate the costs and benefits of oil sands extraction. My participatory research illuminates current shortcomings in the management of energy extraction in northern Alberta, while exploring the current realities of

Indigenous political mobilization. Shedding light on the governance of Alberta's oil sands region will help foster sustainable and equitable development in Canada.

Acknowledgments

This thesis was made possible by the support of a great number of individuals and institutions. If I have forgotten anyone, it was far from intentional.

I would like to extend my sincerest gratitude to the Mikisew Cree First Nation. As a young settler Canadian, I recognize that addressing questions of reconciliation and governance over traditional lands necessitates tremendous community input. Thus my placement with Mikisew was not only deeply influential, but invaluable for the soundness of this thesis. We are all treaty people; I am indebted to Mikisew, its members, and the GIR for embracing me and allowing me to acknowledge and aim to treat my relational obligations. I cannot do the whole four months justice here; I can only hope that what follows rings true with your lived realities.

On a personal level, I am grateful for the support of my friends and family. While in McMurray, I was also blessed by the friendship of Breanne Whiteknife, Sara Voyageur, and Jenny Gerbrandt – You infused my time in the field with such joy. Many thanks to my anthropology cohort for the ‘group therapy’ sessions in the Loft, the post-seminar debriefs at Louis’, and for entertaining all of my wild musings and ambitions along the way. A special thank you to Tara Joly for being a constant sounding board. My deepest gratitude extends to my people, DB and TMDP. I draw inspiration from the strength of my parents, who have always provided me with a soft place to land.

Thank you to my committee members, Dr. David Natcher and Dr. Philip Loring, who went above and beyond to provide me with their backing. Thank you to my supervisor, Dr. Clinton Westman, for two full years of formidable support. All errors and omissions are my own.

This research was executed with the generous financial support of the Social Sciences and Humanity Research Council (SSHRC) Canada Graduate Scholarship (2017-2018), the Northern Scientific Training Program Research Grant (2017), the University of Saskatchewan’s Anthropology Research Trust Fund (2017), the Saskatchewan Innovation and Opportunity Scholarship (2016-2017), and Dr. Westman’s SSHRC Partnership Development Grant, Cultural Politics of Energy in Northern Alberta (2015-2018).

Hiy hiy, marsi cho, thank you, merci.

Table of Contents

Permission to Use	i
Abstract.....	ii
Acknowledgments	iv
Table of Contents	v
List of Figures.....	vii
List of Abbreviations	viii
Chapter One: Introduction	1
1.1 Research Purpose	2
1.2 The Community Context.....	3
1.3 The Legal Context: Informing Consultation in the Oil Sands Region.....	5
1.4 Thesis Overview	8
Chapter Two: The Research Process	9
2.1 Study Design.....	9
2.2 Entering the Field	12
2.3 Data Collection.....	15
2.3.1 Participant observation	16
2.3.2 Open-ended interviews.....	18
2.3.3 Focus group	19
2.3.4 Document & policy analysis	20
2.4 Data Analysis & Organization.....	21
2.5 Delineating the Field.....	23
Chapter Three: Energy Governance in Alberta: Shedding Light on a “Black Box”	24
3.1 Introduction	24
3.2 Governance in the Oil Sands Region	25
3.2.1 Capitalism and the state.....	25
3.2.2 Neoliberalism in Alberta	26
3.2.3 Studying oil sands governance	27
3.2.4 Regulatory capture	28
3.3 Witnessing Capture in the Oil Sands.....	29
3.3.1 The revolving door: Moving between seats at decision-making tables.....	29
3.3.2 An emergent epistemic community in energy governance	32
3.3.3 Capture in Indigenous consultation offices?	35
3.3.4 Notions of public interest	36
3.4 Reforming the System: The Proliferation of Opportunities for Engagement.....	39
3.4.1 Policymaking as a “black box”: The ongoing negation of Indigenous voices	41
3.5 Case Study: The Regulatory Treatment of Tailings.....	44
3.6 Conclusion	47
Chapter Four: Mikisew’s Mobilization in the Oil Sands Region	48
4.1 Introduction	48
4.2 Emergent Indigenous Mobilization Strategies: Local Use and Perceptions.....	49
4.2.1 Litigation: Advancing the duty to consult in the oil sands region.....	51

4.2.2 Government consultation & negotiation with industry	52
4.2.3 Advocacy.....	56
4.3 Contemporary Mobilization: Process and Variability	58
4.3.1 Consultation offices: Community hubs and cultural brokers	58
4.3.2 Going the distance? Representing impacted Indigenous communities from afar	60
4.3.3 Common motivations, differing mobilization patterns	61
4.4 Looking Forward: The Continued Transformation of Indigenous Mobilization.....	62
4.5 Conclusion.....	63
Chapter Five: Politicking Internationally: Mikisew at the World Heritage Committee	65
5.1 Introduction	65
5.2 The Impetus for an Appeal to UNESCO	66
5.2.1 UNESCO Site #256: Wood Buffalo National Park.....	66
5.2.2 Domestic context.....	68
5.3 Thinking Internationally: Indigenous Mobilization Beyond Northern Alberta.....	70
5.3.1 Indigenous mobilization in the oil sands region.....	70
5.3.2 Going international: Broadening networks of cooperation	70
5.3.3 Social research in world heritage forums	71
5.4 Rallying at UNESCO.....	71
5.4.1 Advocacy at the 41 st World Heritage Committee meeting.....	72
5.4.2 Rallying different audiences through divergent messaging	74
5.4.3 Advocacy at UNESCO: Opportunities and challenges	76
5.5 The Decision: A Final Verdict, and Immediate Responses.....	77
5.5.1 Outcomes of advocacy: Reflecting on the decision	80
5.6 Conclusion.....	81
Chapter Six: Conclusion	83
6.1 Introduction	83
6.2 Research Limitations and Recommendations.....	83
6.3 Reconciliation at the Heart of Canadian Extractive Industry.....	85
References Cited.....	87
Cases	87
Legislation	87
Treaty.....	87
Literature	87
Appendix A: Mikisew’s Consultation Boundaries.....	106
Appendix B: Consent Form	107
Appendix C: Interview Guide.....	109
Appendix D: Professional Network Analysis Data	111

List of Figures

Figure 3.1	Oil sands governance mechanisms.	p. 25
Figure 3.2	Professional engagement in major energy governance sectors in the last 20 years.	p. 30
Figure 3.3	Mikisew presents a video at an engagement session with the federal government at the Best Western hotel in Fort McMurray.	p. 40
Figure 4.1	The residents of Fort Chipewyan celebrate Treaty Days on the ceremonial grounds at Doghead Arbour, where a residential school once stood.	p. 48
Figure 4.2	Informants' perceptions of the value of key Indigenous mobilization strategies.	p. 50
Figure 5.1	Map of Wood Buffalo National Park.	p. 66
Figure 5.2	Melody Lepine addresses World Heritage Watch.	p. 69
Figure 5.3	The lobby of the Krakow Convention Centre, a bustling hub for politicking and planning.	p. 73
Figure 5.4	Mikisew representatives address the World Heritage Committee after a decision is taken on Wood Buffalo National Park.	p. 77

List of Abbreviations

ACFN	Athabasca Chipewyan First Nation
AEMERA	Alberta Environmental Monitoring, Evaluation and Reporting Agency
AER	Alberta Energy Regulator
CMC	Cooperative Management Committee
COSIA	Canada's Oil Sands Innovation Alliance
CPAWS	Canadian Parks and Wilderness Society
CSR	Corporate Social Responsibility
EIA	Environmental Impact Assessment
ERCB	Energy Resources Conservation Board
FPIC	Free, Prior and Informed Consent
GIR	Government and Industry Relations
IBA	Impact Benefit Agreement
ICCROM	International Centre for the Study of the Preservation and Restoration of Cultural Property
ICOMOS	International Council on Monuments and Sites
IDA	Integrated Decision-making Approach
IE	Institutional Ethnography
IRC	Industry Relations Corporation
IUCN	International Union for the Conservation of Nature
JOSM	Joint Oil Sands Monitoring
MCFN	Mikisew Cree First Nation
MOU	Memorandum of Understanding
NEB	National Energy Board
NGO	Non-Governmental Organization
OSAG	Oil Sands Advisory Group
OUV	Outstanding Universal Value
PAD	Peace-Athabasca Delta
RCAP	Royal Commission on Aboriginal Peoples
SIA	Social Impact Assessment

SIG	Stakeholder Interest Group
TLU	Traditional Land Use
TMF	Tailings Management Framework for Mineable Athabasca Oil Sands
TRC	Truth and Reconciliation Commission of Canada
UN	United Nations
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNESCO	United Nations Educational, Social and Cultural Organization
WBEA	Wood Buffalo Environmental Association
WBNP	Wood Buffalo National Park

Chapter One: Introduction

In the 19th century, the discovery of valuable resources in northern Canada added to the rising impetus for the Canadian government to treatise with local Indigenous communities (Fumoleau [1975] 2004).¹ As a result, Treaty 8 was negotiated in 1899. Over 115 years later, industrial extraction continues to drive policy and human organization in the region. Indeed, Alberta's past and present are deeply entangled in the energy sector and its governance. Alberta's oil reserves are the third largest in the world, surpassed only by Saudi Arabia and Venezuela. In 2016, Alberta's oil sands produced about 2.5 million barrels of crude bitumen per day (Alberta Energy Regulator 2017a). The region's oil sands possess enormous potential in terms of oil production and profit (Alberta Energy and Utilities Board 2004). The oil sands underlie 142,200 square kilometres of northern Alberta, covered largely by boreal forest (Alberta Energy n.d.), and spanning the traditional territory of Cree, Dene, and Métis peoples.

Industrial activity in Alberta has garnered international attention and debate. While some celebrate the oil sands as a key source of “ethical oil” (Levant 2011) in an age of global energy insecurity, concerns are rising about the environmental and social costs of bitumen extraction. Local perspectives on energy extraction are not given equal consideration relative to macroeconomic interests. Yet these voices are critical in assessing the extent to which energy governance regimes take the environmental, social, and economic impacts of energy extraction into account (Westman 2013). Energy governance refers to institutions' management of land use for fossil fuel extraction (Van de Graaf and Colgan 2016: 2). In northern Alberta, the institutional complex of energy governance consists primarily of a wide range of regulatory and consultative processes, pertaining most significantly to the oil sands region. Governance in the region entangles provincial and federal governments, Indigenous communities, private firms, and other stakeholders – such as non-governmental organizations (NGOs) and landowners – in a wide range of political practices. These governance arrangements have real life impacts and consequences, influencing human-environment interactions (e.g., by regulating land use and resource access) in northern Alberta. Energy governance is imbued with conflicting ideas about

¹ The term “Indigenous” will be used throughout this document, mirroring the contemporary shift toward “Indigenous” as a widely preferred term tied to internationally recognized legal rights (Daes 2008). The title “Indigenous” refers to peoples with long traditional occupation of and connection to a territory, who are culturally, politically and historically distinctive, and are now under pressure as minorities in a settler society (Coates 2004). Indigenous peoples are those who self-identify as such.

progress, sustainability, and the public interest. While my research is based in the Mikisew Cree First Nation's Government and Industry Relations (GIR) office, my ethnographic fieldwork has provided insights into broader sectoral issues and realities, as I engaged with industry and government representatives, and a number of other Indigenous communities' consultation teams, at length throughout the four months of fieldwork. My placement with the GIR in Fort McMurray did not ultimately result in research that centred solely on Mikisew or other Indigenous communities in the oil sands region. Rather, by accompanying MCFN's staff as they mobilized to protect the Nation's rights and interests, my fieldwork led me to explore energy governance as a lived experience. Ultimately, my fieldwork enabled me to engage with the professional network that manages energy extraction in northern Alberta.

1.1 Research Purpose

As Joly and Westman (2017) note, authoritative research on the cultural and social impacts of oil sands extraction in northern Alberta is still lacking, especially relative to other industrial endeavours of the same magnitude. The purpose of my research is to explore energy governance in northern Alberta, with a particular focus on the political processes and practitioner communities that negotiate oil and gas extraction. To this end, I have engaged in institutional ethnography. A number of critical questions merit investigation: In light of changing social and political conditions in the Canadian context, how has energy governance in northern Alberta evolved? And how have energy governance actors, such as Indigenous communities' consultation teams, strategically mobilized in these political processes over the last 20 years, as the duty to consult and accommodate has evolved through case law? This thesis builds on the findings of over four months of ethnographic fieldwork with the Mikisew Cree First Nation in northern Alberta. Since the late 1990s, the Mikisew Cree have been thoroughly involved in negotiating energy extraction in the oil sands region, and have harnessed greater self-determination through political engagement (Slowey 2008). I argue that while attempts are being made to enhance the participatory capacity of energy governance in northern Alberta, oil sands extraction is managed by a relatively closed network of experts, resulting in the discounting of Indigenous voices and rights. In order to combat the traditionally closed practice of energy governance in Alberta, Indigenous mobilization has become increasingly sophisticated, rising in capacity and complexity.

1.2 The Community Context

Cree peoples have occupied northwestern Canada, as far west as the Peace River, since long before European contact (J. G. E. Smith 1987). In the late 18th century, trading posts in the region prompted the formation of Fort Chipewyan (est. 1788), a plural society (McCormack 2010), occupied primarily by Cree, Chipewyan, and Métis people. The hamlet of Fort Chipewyan was originally founded as a trading post and fur trade “factory” (McCormack 2010: 17). Today, Mikisew membership and administration is based in Fort Chipewyan (colloquially referred to as Fort Chip), Alberta. Mikisew members also reside in substantial numbers in Fort McMurray, Edmonton, and Fort Smith (Northwest Territories).

Prior to European contact, Indigenous land use in northern Alberta was seasonally mobile (McCormack 2010: 20); the land was not owned by specific groups of Indigenous people. McCormack (2010: 3) notes that prior to the signing of Treaty 8 (1899), there was no entity known as the Mikisew Cree First Nation, and no conceptualization of a uniquely Cree territory. Today, Mikisew asserts that its traditional lands cover much of the oil sands deposits, and centre upon the Peace-Athabasca Delta (PAD) and its tributaries (Appendix A) (MCFN 2014; 2016). McCormack (2010) characterizes the PAD as “an area of possibly unparalleled resource extraction” (18) for Indigenous land users. For centuries, the region has provided Indigenous land users with a wide range of subarctic furbearers, waterfowl, small game, fish, carnivores, as well as ungulates, including bison, caribou, and moose (J. G. E. Smith 1981: 262; McCormack 2010: 18-19). Many Mikisew members continue to spend longer spans of time in “the bush,” engaging in cultural subsistence practices in the subarctic environments surrounding Fort Chipewyan.

Mikisew refers to the land as *kitaskino*, a Cree term that the Nation employs to signify “the land that we belong to and are related to” (Mikisew Cree First Nation 2016: 16). The need to maintain Mikisew’s traditional practices and reciprocal relations with the land is apparent in historical accords. Following the signing of Treaty 8 (1899), commissioners Laird, Ross, and McKenna wrote, “We assured them that the treaty would not lead to any forced interference with their mode of life.” As signatories to Treaty 8 in 1899, the Cree Band sought guaranteed protection for its traditional way of life (McCormack 2010). The lands that Treaty 8 set out for First Nations use and occupation were not fully allocated by the Government of Canada following its negotiation (Fumoleau 1975 [2004]: 412-415). As a result, the Mikisew Cree and

Canada signed the Treaty Land Entitlement (TLE) in 1986. The TLE (1986) also set forth Canada's commitment to "make every reasonable effort to correct man-induced changes to the natural water-level regime of the Peace-Athabasca Delta basin" (6). Despite extractive industrial presence, living on the land continues to be a central component of Mikisew members' lives, much as Southcott and Natcher (2017) suggest holds across the Canadian North. Many members shared with me their aspirations to permanently occupy their cabins in the bush upon retiring from wage-based employment, though the degree to which they actualize these wishes is uncertain.

The Mikisew Cree are not entirely opposed to energy extraction; recognizing the economic benefits (and perhaps the inevitability) of industrial activity in the region, instead, they demand the right to participate in related decision-making. In 1992, during the Royal Commission on Aboriginal Peoples (RCAP), Chief Waquan declared, "The people of the Mikisew Cree First Nation will never relinquish [the] claim to self-determination, to self-government, to our inherent rights" (RCAP 1992: 67). The Mikisew Cree, like many First Nations, are not simply stewards of the land; threats to the natural environment they occupy also constitute threats to their own survival (Slowey and Stefanick 2015; Wanvik and Caine 2017). As a result, Mikisew insists on being a part of relevant negotiations and land use planning schemes, and has spearheaded collaborative governance arrangements in hopes of ensuring the protection of the First Nation's rights and interests. In essence, the Mikisew Cree are attempting to integrate local perspectives, as well as place-based values, within neoliberal economic and political systems (Slowey 2008).

Mikisew's primary representative body within energy governance contexts is their Government and Industry Relations office, where I based my fieldwork. Otherwise referred to as industry relations corporations (IRCs) or sustainability departments, many First Nations and Métis communities in the Lower Athabasca region are represented by such establishments, which facilitate their participation in regional economic activity (Zalik 2016). Fort McMurray is a nexus of energy governance; it constitutes the major junction for government, industry, and community representation in the region. This made it the opportune locale for my ethnographic work. Governing energy extraction in northern Alberta is a complex endeavour with cultural, economic, and political dynamics. My research has necessitated cross-disciplinary sensitivity, despite being grounded in Anthropology. Environmental Anthropology suits my research, as it

draws on interdisciplinary connections, encouraging the cross-pollination of ideas with sociologists, political scientists, economists, archaeologists, and heritage studies.

Negotiating land use and extraction on behalf of Mikisew, the GIR reports to the First Nation's Chief and Council. Since being founded in 2001, the Mikisew Cree First Nation's Government and Industry Relations Office has liaised between industry, governmental bodies, and MCFN. The GIR office consists of a team of between 10 and 15 workers, with numbers fluctuating due to summer hiring, workers' mobility, and the office's changing needs. The majority of staff possesses post-secondary certifications or degrees, specializing in resource management, environmental sciences, or administration. Of the 12 GIR staff members that I met during my fieldwork, 6 were Mikisew members, 2 were from other Cree or Dene communities, and 4 were of Euro-Canadian descent. Office staff oversee and facilitate regulatory and consultation processes, capacity building for participation in energy governance, and long-term partnerships between the Mikisew membership, industry, and government. The public participation processes navigated by GIR staff are informed by obligations towards holders of Aboriginal and treaty rights that are entrenched in the Constitution, and have been developed through case law.

1.3 The Legal Context: Informing Consultation in the Oil Sands Region

The *Royal Proclamation* of 1763 reserved for the Crown the exclusive right to negotiate for land title with Indigenous inhabitants. The Proclamation became the foundation of Indian treaty making in Canada (Dion 2008: 3). There were 68 major historical treaties in Canada (Morris 1991), covering large parts of the country. In these treaties, the rights to "take up" the land were generally set out for the Crown (Asch 2014), which constitutes both federal and provincial governments. The *Constitution Act* of 1867 affirmed the federal government's exclusive authority over Indians and lands reserved for Indians (s. 91(24)). Canada's repatriation of the Constitution in 1982 protects existing Aboriginal and treaty rights (s. 35), minimizing the ability of government decision-making to impede such rights. Subsequent legal decisions have reinforced Indigenous claims to rights.

Over the last few decades, the Crown's duty to consult and accommodate Indigenous peoples has progressively evolved through case law. This is particularly relevant to industrial extraction contexts. The courts describe the relationship between First Nations and government as unique, or *sui generis*. The Supreme Court of Canada first affirmed the Crown's fiduciary

obligations toward Indigenous peoples in *Guerin v. The Queen* (1984), characterizing these obligations as “trust-like in character.” Thus, the Crown possesses the burden of justifying any infringement of Aboriginal rights (Dion 2008: 14), and by consequence of this fiduciary relationship, exercising some restraint in asserting its sovereign power (*R. v. Sparrow* 1990). *R. v. Van Der Peet* (1996) confirmed the legal fiduciary relationship between the Crown and Aboriginal peoples, asserting that statutory and constitutional provisions protecting Aboriginal interests be given a generous interpretation (Dion 2008: 16). The court held that the honour of the Crown is at stake in all dealings with Aboriginal peoples (*R. v. Van Der Peet* 1996). Chief Justice Lamer also emphasized that s. 35(1) of the *Constitution Act* operates as a means of reconciling the pre-existence of Indigenous societies with the sovereignty of the Crown (*R. v. Van Der Peet* 1996). In *Delgamuukw v. British Columbia* (1997), Lamer emphasized that the Crown has the right and obligation in the public interest to undertake a broad spectrum of development on Aboriginal lands, subject to consultation. *Haida Nation v. British Columbia (Minister of Forests)* (2004) held that where the Crown has knowledge that its conduct may infringe upon an Aboriginal right, Section 35 obliges that the duty to consult, and accommodate, if appropriate, is triggered (Dion 2008: 17; NCFNG 2007: 30). The nature of the exercise of that duty is to be proportionate to the circumstances, which comprise the strength of the right claimed, and the severity of the potential infringement. In *Haida* (2004), the Court also found that the duty to consult extends to the Crown in right of provincial governments, while emphasizing that the duties of consultation and accommodation do not entail a duty to agree with Aboriginal people (NCFNG 2007). In *Taku River Tlingit First Nation v. British Columbia* (2004), the Supreme Court held that accommodation required “only a reasonable balance between the Aboriginal concerns and competing considerations” (NCFNG 2007: 33). *Mikisew Cree First Nation v. Canada (Minister of Canadian Heritage)* (2005) expanded the Crown’s duty to consult to First Nations with historical treaty rights. This has implications for bitumen extraction in Alberta, as many projects span Treaty 8 territory. Recent Canadian jurisprudence holds that government decisions affecting Aboriginal and treaty rights cannot be taken without prior consultation, thus transforming energy governance processes.

Reconciliation is the lens used to interpret and frame the duty to consult, according to the Supreme Court (*Chippewas* 2017; *Clyde River* 2017). Reconciliation is a primary goal

underlying the practice of consultation (*Haida* 2004²; *Taku River* 2004³). This broad societal aim requires the negotiation of tangible transfers of power, and the realization of a nation-to-nation relationship between Indigenous peoples and the Canadian government (Government of Canada 2017; Nickerson 2017). Attempts to reconcile the prior occupation of Indigenous peoples in North America with Canada's political and legal structure have been undertaken in various forms throughout our history. Treaty-making was one such endeavour (*Mikisew Cree* 2005). As anthropologist Asch (2014) posits, the recognition of Canadian leaders of their failure to adhere to the promises of treaties, and the reverberations of that failure among Indigenous peoples, guides the contemporary push for reconciliation. At the concept's core is the idea that prior Indigenous occupation must be reconciled with the assertion of Canadian sovereignty (*Delgamuukw* 1997: para. 186) – or, as Asch (2002; 2014), McNeil (1999), and Tully (2008) argue, that Canadian sovereignty must be reconciled with prior and ongoing Indigenous sovereignty. As Woolford (2005) highlights, reconciliation is a process of ongoing engagement, rather than a full, final settlement.

Today, reconciliation is a driver of political reform (Government of Canada 2017; Schaap 2008). Representatives of Mikisew employed reconciliation as a major touchstone in political discussions. As focus group participants noted, reconciliation sparked conversations with government, although the actual outcomes of such broad socio-political discourse were less certain. Mikisew's vision of reconciliation prioritizes the access to, and decision-making power over, their traditional lands. In conversation in November 2017, following an engagement session with Parks Canada on the Strategic Environmental Assessment for Wood Buffalo, the Director of the GIR stated that from Mikisew's perspective, reconciliation with Canada is contingent on the health of the Peace-Athabasca Delta (pers. comm. 22 November 2017). This investigation of energy governance and Indigenous mobilization in the oil sands aligns with Tully's (2004) notion of agonistic reconciliation, which highlights that dialogical and participatory political engagement enables the pursuit of peaceful coexistence between Indigenous communities and the Crown.

² “The accommodation that may result from pre-proof consultation is just this — seeking compromise in an attempt to harmonize conflicting interests and move further down the path of reconciliation” (*Haida*, 2004, at para. 49).

³ “The Crown's honour cannot be interpreted narrowly or technically, but must be given full effect in order to promote the process of reconciliation mandated by s. 35(1)” (*Supra*, at para. 24).

1.4 Thesis Overview

This thesis follows a traditional monograph format. Chapter Two explores the research process underlying this ethnographic fieldwork. In order to evaluate the changing social and political processes governing energy extraction in northern Alberta, the critical imperative of institutional ethnography is described. Chapter Three examines the changing landscape of energy governance in northern Alberta. In particular, Chapter Three assesses Alberta's reputation of regulatory capture, as well as the revolving door that cycles experts between regulators and other major players in energy governance, and the idea of public interest. Relatedly, I document the emergence of a network of workers specialized in consultation and regulatory processes in northern Alberta. Finally, I undertake a review of regulatory reforms in recent years, highlighting informants' perspectives on related engagement initiatives. Chapter Four investigates the changing mobilization patterns espoused by Indigenous communities in the oil sands region, primarily attending to the GIR's strategies and the degree to which they may enhance the pursuit of Mikisew's interests. Chapter Five explores Mikisew's recent immersion in international advocacy work at UNESCO's World Heritage Committee, where the First Nation lobbied for greater protection of Wood Buffalo National Park. Through my ethnographic investigation, I document the impetus for Mikisew's 2014 petition, the experience of advocating at UNESCO during the 2017 World Heritage Committee meeting in Poland, and the potential outcomes of this advocacy work. Chapter Six concludes by reflecting upon the work that precedes it. In particular, it assesses the implications of the ongoing evolution of energy governance and Indigenous mobilization in northern Alberta, while relating them to broader rights- and reconciliation-focused movements in Canada at large. Future research directions are also offered.

Chapter Two: The Research Process

2.1 Study Design

In qualitatively oriented methodologies such as Ethnography, the research process itself should be considered a critical component in reporting and analyzing findings, as who we are inevitably alters our experiences in the field. As Nader (1996) states, “science is not value free” (18). All scientists’ work is affected by historical, cultural, political, and other structural factors. Authority can be derived from ethnographic work by illuminating the empirical import of one’s conclusions with clarity, Carrithers et al. (1990) reinforce. This chapter explores the origins and process of my research. After setting out my positionality and axiology, I will outline the rationale and core tenets of the methodology I have employed, touching upon the epistemological and ontological considerations necessitated by my subject matter. Then, I will present the process by which I entered the field, before setting forth the methods of data collection that I employed. I conclude by considering the bounds of my field site. This review of my research design lays the groundwork for the chapters that follow, which present and engage with my experiences and findings in the field.

Since high school, I have been deeply intrigued by the ways in which policymaking addresses environmental issues, as well as the interchange between individuals and broader policies. I was drawn to the study of energy governance in Canada because of the balance of convenience argument that is often used to validate industrial activity. For instance in northern Quebec, where I coordinated a brief research trip in 2013, authorities excuse the social consequences of hydroelectric damming impacting Cree peoples – such as forced displacement – as unfortunate but necessary side effects of energy extraction. Extraction in the oil sands is justified along a similar vein, with proponents arguing that the benefits it accrues for Canadian society at large – chiefly energy security and economic growth – far outweigh its impacts.

Studying oil sands governance merits immersive research that is best facilitated through ethnography, which constitutes an open-ended, emergent learning process (Whitehead 2005: 4). “Making the strange familiar and the familiar strange” (Spiro 1992: 53) is the chief challenge of ethnography. Ethnographers aim to comprehend and render familiar seemingly impenetrable social contexts, which can be found in anything from a far-flung Indigenous tribe to a powerful institution. The research methodology of ethnography is a reflexive social constructivist practice (Whitehead 2005: 4); it provides anthropologists with the opportunity to attend to individuals’

perspectives and worldviews on complex social problems and lived realities. As Tsing (2015) states, “The point of ethnography is to learn how to think about a situation together with one’s informants; research categories develop with the research, not before it” (ix). The inductive nature of ethnography means that even research goals may emerge through collaboration (Tsing 2015: ix). My inductive-iterative research process has been a product of cooperation with participants.

As Rogers (2015: 365) notes, anthropologists have long attended to the relationships between key stakeholders and Indigenous communities in negotiating extraction. Employing the holistic methodology of ethnography enables me to examine the ways in which these actors navigate energy governance regimes. Immersive qualitative fieldwork illuminates the competing interests and priorities at play in managing industrial expansion (Rogers 2015), many of which are apparent among MCFN. Multivocality is thoroughly prioritized in ethnographic work; this feature allows researchers to achieve emic validity (Whitehead 2005: 4). While I did not have sufficient access to Mikisew membership at large to feel I realized emic validity within MCFN as a whole, I gained access to this multivocality within the GIR, among their staff, and the interlocutors with whom they frequently engage and ally. The openness of ethnography towards divergent knowledge frameworks has equipped me to study the processes of meaning-making and social construction inherent in negotiating energy extraction (Rogers 2015). In regard to complex social issues, knowledge is deeply contextual, intersubjective, and ever changing. Ethnography encourages epistemological relativism and flexibility (Whitehead 2005). This allows anthropologists to render porous seemingly self-enclosed epistemic communities (Haas 1992) such as governmental agencies. As will be discussed further in Chapter Three, Haas (1992) defines epistemic communities as “network[s] of professionals with recognized expertise and competence in a particular domain and an authoritative claim to policy-relevant knowledge within that domain or issue-area” (3). Studying the specialized realm of energy governance in a cross-cultural context such as northern Alberta renders ethnography invaluable. Accounting for perspectives on, and experiences of, energy governance in the oil sands region necessitates epistemological relativism and ontological subjectivism.

Institutional ethnography is a methodological tool that connects the global and the local, and ties structure with agency and subjectivity (Shore and Wright 2006). Due to my avid interest in the links that connect development, policymaking, and communities, I chose to employ the

methodology of institutional ethnography. Institutional ethnography can be defined as “a method of inquiry that problematizes social relations at the level of lived experience and examines how textual sequences coordinate consciousness and ruling relations” (Walby 2007: 158).

Institutional ethnography is fitting for this research topic, as it deconstructs the opacity of ruling relations (McCauley 2014). Complex energy governance regimes are inherently places in which knowledge is created and futures are negotiated (Westman 2013). Moreover, as McCauley (2014) notes, extra-local ruling relations and institutions impact lives and regulate everyday processes, which are system-sensitive.

In recent decades, the ethnographic field has expanded, as recognition has grown that people would only be fully understood in relation to institutions and globalized nexuses of power (Niezen and Sapignoli 2017: 4). Even the most remote areas are embedded in the world system (Ervin 2015). Laura Nader (1972; 1997) famously called for anthropologists to “study up” social power structures in the 1970s. Other ethnographers have expanded upon this pivotal call. Reinhold (1994; 2011), for instance, argues that researchers must “study through” the sites and situations of policymaking (Shore and Wright 2006). Institutions have been cemented as legitimate subjects of inquiry in anthropology in the last decades (Abélès 2017), as ethnographers recognize the need to attend to larger processes of societal change (Rogers 2015). My ethnographic research takes up this rising call. I have striven to expand Anthropology’s points of engagement in order to better grasp the manners in which Indigenous peoples in resource conflict areas such as northern Alberta are defending their life projects (Blaser 2004), and reinforcing their rights through navigating seemingly impenetrable – if rhetorically inclusive – neoliberal governance regimes (Slowey 2008).

Through institutional ethnography, I have situated my exploratory research within diverse decision-making contexts, in order to analyze loci of power. Relationships between the local and the global are deep-rooted (Roseberry 1988). This calls for a globalized research perspective that accumulates knowledge in diffuse time and space (Marcus 1995: 98). As Marcus (1995) stresses, multi-sited ethnography has become the norm in much of contemporary Anthropology. A multi-sited institutional ethnography allows distinctive discourses to be cross-examined in order to assess how they contribute to social constructions and knowledge (e.g., Carr 2009). Institutions of governance are social worlds with distinct characters (Niezen and Sapignoli 2017: 3). Institutional ethnography (IE) explores systems of power by analyzing the situated subjects that

find themselves within it. As McCauley (2014) states, “IE, then, requires mapping the ruling relations in such a way that exposes the coordinating mechanisms between institutional discourse and the actualities of the work in which people are engaged” (24). Politics and expertise are social phenomena that merit ethnographic attention, and the cultures of modern bureaucracies necessitate thorough study (Carr 2010; Shore 2005). Given their wide-reaching impacts, focusing on the internal dynamics and culture of organizations is critical (Herzfeld 1992). Employing an ethnographic gaze in a field dominated by deep-seated power relations, norms, and political structures has enabled me to grasp some of the changing dynamics of energy governance in one of the most hotly contested industrial sites in the world.

2.2 Entering the Field

In May 2016, prior to starting my Master’s coursework, my professor, Dr. Clint Westman, invited me to attend a partnership meeting in Athabasca, AB. The meeting informed his ongoing collaborative research project, *Cultural Politics of Energy*. Indigenous representatives from northern Alberta joined with non-profit organizations and university researchers from across the country to discuss issues related to industrial development, research needs, and information gaps that could perhaps be served by this research partnership. I also met with other students working with Dr. Westman, such as Jennifer Gerbrandt (2015), who had completed her fieldwork in 2013 through Westman’s grants and ethics proposal. Gerbrandt began working for MCFN in early 2018, although her research focused on the Woodland Cree First Nation (WCFN). After presenting my own research experience and possible interests just prior to the end of the two-day gathering, several First Nations members and NGO representatives approached me with ideas. Among them was a representative from Mikisew Cree First Nation’s GIR office, who mentioned that First Nations in the region would benefit from research on consultation and free prior and informed consent (FPIC), and what related ideas might mean in practice. Since writing a term paper on the oil sands as an undergraduate at McGill University, I had been quite curious about Mikisew’s mobilization efforts. Come September, upon relocating to Saskatoon, conversations began with my supervisor on possible partnerships for my forthcoming fieldwork. I looked to engage with Dr. Westman’s *Cultural Politics of Energy* research program by complementing other MA students’ inquiries on consultation in other First Nations (i.e., Woodland Cree First Nation and Peerless Trout First Nation), directing my focus towards governance contexts and institutional relationships.

I am deeply aware of the extractive nature of much research in Indigenous communities (Ball and Janyst 2008; Kovach 2005; Santos 2008). This reality made me wary, initially, to express my interest in working with Mikisew, especially given that MCFN has experienced research fatigue with the rise of industrial activity. I was concerned about the response to hosting yet another academic from afar. I was determined to ensure my presence was not invasive. My supervisor, who had already established a research relationship with Mikisew, was happy to see if the enthusiasm that Mikisew's representative had expressed the previous spring still held. Dr. Westman reconnected with the Director at the GIR, Melody Lepine, and after correspondence over the fall term, we set up a preliminary meeting in person in Fort McMurray for January 2017.

Throughout my fieldwork (May-September 2017), I used the act of writing fieldnotes to reflect upon my place in the GIR and in Fort McMurray, as well as the ways in which I could ensure respectful engagement, and maintain awareness of my positionality as a young Euro-Canadian woman. When conducting research with Indigenous peoples, anthropologists must address questions of representation, power, and authority (Asch 2001). Issues surrounding representation are a key concern for the practice of ethnography (e.g., Clifford and Marcus 1986). Working with and on behalf of a First Nation necessitated that I confront my privilege and possible biases as a settler Canadian, and maintain awareness of how to best engage with contacts of divergent life experiences. I nurtured trusting, positive connections long before starting any formal interviews. Maintaining these reciprocal ties has been a priority since my return from the field as well. Sustaining open lines of communication with primary interlocutors has allowed me to address any concerns that have arisen as I have endeavoured to represent my fieldwork and informants.

Unsteady conditions of entry and engagement constitute the primary drawback to the practice of institutional ethnography (Niezen and Sapignoli 2017: 8). It is difficult to gain and maintain access to institutional settings and "elite" informants (Dexter 2012; Welch et al. 2002). Oftentimes, one must approach the gatekeeper of a given institution or organization to obtain permission to conduct fieldwork within the entity. My supervisor's prior research connection to Mikisew and the GIR's Director helped ease access to the site, and connecting in person allowed me to secure the requisite institutional approval for my work. I saw Fort McMurray for the first time under a deep frost, in -35°C weather. My supervisor and I flew up for a quick overnight

stay, just long enough to fit in dinner with a past student of his (and soon-to-be friend of mine) working in Fort McMurray, a meeting at the GIR, and a tour of town and the surrounding area. While I knew of McMurray's rougher reputation and was aware the city was in a state of rebuild post-wildfire (May 2016), the city's centrality to industrial activity and access to oil sands governance suited my research interests. The meeting with Melody Lepine was favourable; she agreed to host me in the office over the summer months so that I could complete my fieldwork with Mikisew. In exchange, I promised to assist the office as much as I could while advancing my own research. Dr. Westman and I learned that I would be supported by the GIR's staff travel budget – I assumed this would allow me to attend meetings in town and perhaps make it to Fort Chip on a few occasions. I could not have foreseen the whirlwind summer that awaited me at the GIR.

Once in the field, my methodology evolved from being not just an anthropological investigation, but also an inescapably political endeavour. After wrapping up coursework, obtaining the required approvals from the University of Saskatchewan's ethics board,⁴ and packing up, I ventured north. Upon arriving in Fort McMurray in late April, I learned that I would be working with Mikisew's Government Relations Manager. Normally two legal interns held summer placements, but this year the manager was without the extra hands. I was asked to fill the void left by their absence as much as I could, and the GIR staff began referring to me as the research intern. As mentioned earlier, one of the major concerns I had about my fieldwork was the possibility of engaging in extractive research. I have always been adamant that public concerns and interests should guide my studies. Establishing some sort of research relationship based on reciprocity is a common priority for anthropologists and social scientists at large. The centrality of reciprocity in northern Canadian contexts is widely acknowledged in anthropological work (Anderson 2014; Scott 1996). More attention is also being paid to the need for social researchers to strive for reciprocal relationships with host communities (Baker 2016). To my relief, I realized that this labour exchange in government relations could help address my fears about engaging in non-reciprocal research. My ties to the GIR may have enabled my access to some stakeholders, and hindered my access to others.

⁴ My research is covered under Dr. Westman's existing ethics approval (Permit BEH#13-10). In 2017, the ethics board added MCFN as a field site, and myself as a researcher, after Mikisew provided written support for the project. My consent form is attached as Appendix B.

My placement at the GIR helped me foster a mutually beneficial relationship with Mikisew. I was able to meaningfully contribute to the office's work by proof-reading Mikisew's position papers and submissions on government files; by summarizing emergent policies for the office; by note-taking; and by providing them with literature of relevance to their files as requested, such as on sense of place, that would be of utility at negotiation tables. In return, Mikisew's representatives put up with my presence and interrogations about that which would otherwise be taken for granted in their circles; introduced me to seasoned players in energy governance in the region; and brought me along to federal and provincial consultation and engagement sessions as their budgeting permitted. The GIR facilitated my access to over 40 meetings, myriad informal gatherings and social activities, and other contexts that proved incredibly intellectually stimulating (detailed further in the pages that follow). I was constantly exhilarated by the opportunities that the GIR offered me. I feel very fortunate to have been embraced by Mikisew's team with open arms, despite being a young researcher from Montreal. I feel even luckier to have been offered the chance to meaningfully contribute to their work as both a social scientist and a young professional with experience in non-governmental organizing. At the request of their senior management, I have since remained engaged remotely as an independent consultant, supporting them for 2-3 hours a week on average, primarily through document analysis, as the need has arisen. For instance, I reviewed a draft Strategic Environmental Assessment for Wood Buffalo National Park, and my notes and summative analysis helped GIR staff prepare for subsequent engagement sessions. My interpretations may have been influenced by my positionality as an engaged researcher and as an independent consultant.

The advantages of ethnographic research lie in its open-endedness. Ethnographers are equipped and encouraged to respond to local circumstances and events. My immersion in the institutional environment of oil sands governance, and my contact with MCFN, prompted new lines of investigation and added to the iterative, inductive nature of my research. The long hours spent at the GIR office and alongside Mikisew's members and employees added to the depth and relevance of my work.

2.3 Data Collection

Institutional ethnography offers a practice-based understanding of environmental governance regimes. Fundamentally, the organizational structure is the primary obstacle to conducting

institutional ethnography. Bureaucratic management masks the foundations and machinery of institutions as regulatory bodies and authorities (Niezen and Sapignoli 2017; Shore and Wright 2006). Each institution therefore demands a unique approach and set of methods. Capitalizing upon multiple sources of data heightens the trustworthiness of this iterative methodology (Strathern 2000). My study design was tailored to the specificities of my research context. The data collection methods I undertook throughout my fieldwork were participant observation, in-depth interviews, a focus group, and document and policy analysis. My methods and their application are described in the sections that follow.

2.3.1 Participant observation

Participant observation is the central method in Anthropology, as well as the primary source of ethnography's rich insights (Belshaw 1976). According to Malinowski (1922), the founder of modern anthropological fieldwork, the ethnographer's ultimate goal is to grasp the local's point of view and their relation to life, and to realize their vision of their world (25). Participant observation aims to comprehend the social fabric, and consists of directly observing and participating in everyday life in the field in order to grasp agency, discourse, and practices. Striving to study the seemingly mundane and everyday, or "the imponderabilia of everyday life" (Malinowski 1922: 22), necessitates that researchers fully immerse themselves in their host communities. Recording observed data of real behaviour complements the analysis of documents and informants' statements (Malinowski 1922: 17).

Governance is not traditionally studied through participant observation (but see Coulter and Schumann 2012; Schia 2013). Yet as Merry (2002) argues, ethnography is necessary to situate governance mechanisms and policies, drawing from many actors' viewpoints and accounting for the everyday behaviour underlying political shifts (137). Building rapport and connecting with informants over time is critical to grasping their circumstances and perspectives; I have found this is especially the case regarding contentious issues such as fossil fuel extraction. As Schia (2013) highlights, the importance of studying informal working cultures when deconstructing institutional practices cannot be understated.

In the field, a typical weekday saw me walk to work at the GIR office and arrive by 8:30 a.m. For the first half hour, I would usually sit in the lobby, greeting staff and learning about the meetings and priorities of the day, as I checked my emails and reviewed documents sent my way by GIR managers. The bulk of the workday was spent in meetings, on conference calls, or

analyzing and editing working documents for GIR staff. I spent my lunch break out walking, or with some of the three Mikisew members employed as summer students. After work ended for the day (usually by 4:30 or 5 p.m.), I might attend a beading circle or Cree language class at the McMurray Métis office or the Nistawoyou Friendship Centre, or head out to run or attend a yoga class. I would return back to my summer rental and chat with my housemates about their shifts on site (the majority of those with whom I shared lodging throughout the summer worked in the oil sands industry), before retiring to my room to write fieldnotes documenting and reflecting upon the day's events and conversations. Ethnographic knowledge is amassed by engaging with informants and research material outside of discrete, condensed periods of data collection (such as interviews or surveys). I gleaned a far better understanding of the lived experiences and perspectives of my interlocutors by observing and participating in everyday life in Fort McMurray.

On the days I spent traveling with GIR representatives, I would wake early for preparatory meetings over breakfast (normally starting at 7:30 a.m.). By 8:30 a.m., we would migrate to the office or hotel conference room in which the day's meetings were being held. I took notes during the meetings in their entirety, usually near verbatim, for my own records as well as at the request of the GIR's legal team. Over lunchtime, I would retreat with Mikisew's staff to a nearby restaurant to "caucus," or debrief regarding the morning's discussions, and prepare for the upcoming points on the agenda. By 4 or 5 p.m., the meeting would wrap up, at which point we would flag down a taxi to fly back to Ft. McMurray, or debrief over dinner. If the meetings were held on back-to-back days, I would expect to talk with GIR staff until 10 or 11 p.m. before turning in ahead of another full day. A similar schedule applied while in Poland for the UNESCO meetings. My fieldwork extended far beyond formal spaces such as meeting rooms and offices. The time I spent engaging with informants in these liminal spaces and transitional periods provided tremendous insights on the act of negotiating energy extraction.

I did not get the opportunity to spend significant amounts of time on the land with Mikisew members. I made it to Fort Chipewyan on three occasions. I attended and volunteered at Treaty Days for MCFN, ACFN, and the Fort Chipewyan Métis Local 125 in June; the Athabasca Tribal Council's gathering for residential school survivors in August; and the GIR's Annual Elder's Retreat in August. These occasions allowed me to spend four to seven days at a time in

Fort Chipewyan, lodging with the extended families of GIR staff that had generously arranged this accommodation.

2.3.2 Open-ended interviews

Like participant observation, open-ended interviews offer profound insight into the lived realities and perspectives of informants. As Weller (2014) asserts, interviews are powerful tools for assessing knowledge and attitudes, exploring the classification of categories, and describing respondents' beliefs. I conducted semi-structured interviewing, as it elicits knowledge from a nuanced perspective (Van der Waal 2009). As Niezen's (2013) work on Canada's Truth and Reconciliation Commission (TRC) demonstrates, open-ended interviews offer the chance for dialogue with individuals who hold unpopular stances or are silenced by political entities. Interviews enable ethnographers to explore the discursive conflicts at play in powerful institutions that possess societal authority. This method also facilitates interpersonal rapport, deepening ethnographers' understanding of the observations they make in the field.

I engaged in open-ended interviews in hopes of capturing a range of views from those who actively engage in environmental governance processes or are impacted by these systems. My respondents included MCFN members (two); external consultants (three) and staff (three) hired by several First Nations in Fort McMurray and Fort McKay; government and industry representatives (three and one, respectively); and an analyst at the Pembina Institute (one), a non-profit, Alberta-founded organization that provides research and education on extraction. The interviewees diverged in the degree to which they had been immersed in oil sands governance. On the one hand, one Regulatory Coordinator that I interviewed had worked for various First Nations and multi-stakeholder groups over the last 16 years, after initially starting her career in reclamation with Golder Associates, and a lawyer that I interviewed had worked with Mikisew and eight other Alberta First Nations over the last decade. Yet on the other hand, I also interviewed a Crown Consultation Coordinator who had only been immersed in the oil sands context in the past two years, and a Mikisew member who had contributed to various projects documenting the impacts of oil sands extraction, but had only recently begun engaging with the GIR. My youngest informant was in their early 20s, and the oldest in their 70s. Ten identified as women, and three as men. Four were Indigenous, and nine were not. Several of these informants requested full anonymity; others are referred to throughout the thesis by their professional title and/or their name.

Potential interviewees were mostly identified using the “snowball” technique (Goodman 1961). I took a somewhat passive approach to soliciting interviewees. My avoidance of nagging or forcefully pursuing participation was especially important to me in recognition of the research fatigue identified within the oil sands region. Between June and August 2017, I conducted 13 interviews based upon a loosely structured interview guide assembled prior to my fieldwork (Appendix C), while also pursuing leads and points of interest as they arose in conversation, at my discretion (see Bernard 2006). While this did lead to variability in the exact implementation of my interview guide, which formed the basis for all recorded interviews, I covered a consistent set of themes throughout these discussions, which occurred in locales selected by my interviewees. I conducted 11 interviews in person, within GIR offices; cafés in Ft. McMurray; a Polish coach bus; and ceremonial grounds in Ft. Chipewyan and Ft. Smith. I conducted two interviews over Skype, with informants based in Calgary, after our attempts to connect while at meetings together in person were unsuccessful. My interview practice has constituted an iterative process. I returned transcripts to informants prior to completing my analysis in order to offer them the chance to expand, clarify, or correct anything they may have shared in person.

2.3.3 Focus group

Focus groups are widely used to determine individuals’ decision-making processes and the sources of their opinions (Bernard 2006: 233; Merton 1987). While I had initially hoped to conduct two focus groups in the field, only one came to fruition, in August 2017. The focus group was held with half a dozen staff at the Mikisew office, with all of whom I interacted on a daily basis (but had not previously interviewed). These participants were selected given their central roles in the GIR team. All participants had worked at the GIR or in similar roles contributing to oil sands-focused consultation and regulatory processes for at least five years, and up to 15 years. Four identified as women, and two as men. The majority of the participants were Indigenous (three Cree, one Dene), and two were not. The purpose of this focus group was to discern their perspectives on how energy governance has evolved in recent years, and the extent to which governance processes are considered meaningful and capable of enhancing Mikisew’s rights and priorities.

The focus group model allowed me to compare and contrast individual experiences and perspectives on these matters, as I asked respondents to elaborate further when inconsistencies arose within the group’s responses. This was the case, for instance, in the simplified pile sorting

activity that I conducted regarding different strategies that the GIR and similar offices in Fort McMurray and Fort McKay pursue to defend band members' interests (see Chapter Four). After I remarked that only two respondents' sorted piles had matched, the group teased apart their reasoning for responding differently. The GIR Operations Manager shared, "It all kind of plays into each other [...] Negotiation with industry can lend into lobbying and advocacy. Industry can help you lobby and advocate to the government, I mean, because obviously industry has a lot of clout" (FG-04, 21 August 2017). In response, Regulatory Manager Dan Stuckless added, "That's a good point. [...] It all ties back." (FG-02, 21 August 2017). The staff posited that the strategies they take to defend Mikisew's interests intersect. The group discussions that arose added depth and clarity to the answers recorded. The interactive quality of focus groups, which is highlighted by Morgan (1997), renders this method particularly useful when examining sensitive or contentious topics, and when analyzing policy (Kahan 2001).

Focus groups also provide an opportunity to review social models and theories collectively with informants as they are being developed in the field (Agar and MacDonald 1995). Conducting a single focus group with GIR personnel was well timed for the end of my stay. For instance, my participant observation and 13 interviews reinforced the notion that responsibilities of consultation had been devolved from government to industry in northern Alberta. During the focus group, when I had decades of collective experience in the room, I was able to ask, "Do you agree with that? Can you expand or reflect on that idea?" The resulting discussions were formative, as the group then launched into a heated discussion on the state of governance in the oil sands region, reflecting upon relevant lines of inquiry and their respective limitations and relevance as I struggled with the same ideas.

My choice of a focus group for the final investigative piece of my research was also a matter of convenience. The lightning pace of work at the GIR made the moderation of a sole focus group with Mikisew representatives preferable to the coordination of another half-dozen one-on-one interviews. However, I found the selection of a focus group for this final set of informants to be invaluable, as the discussions the focus group dynamic spurred were unparalleled in depth relative to my open-ended interviews.

2.3.4 Document & policy analysis

Policy development is an act of negotiating conflicting values, Weaver (1981) posits; this becomes apparent in analysing policies and the processes that precede them. Document and

policy analysis complements the abovementioned methods; such analyses demonstrate the role of bureaucratic documentation in structuring Indigenous-state relations (Weaver 1981), and in legitimizing development on Indigenous lands (Espeland 1993). Researching policy has served the purpose of exploring the diverse, evolving governance mechanisms and regulatory regimes at play in developing northern Alberta's landscapes. I have analyzed three primary sets of documentation. The first set concerns regional land use planning, focusing on the Lower Athabasca Regional Plan (LARP) (2012) submitted under the *Alberta Land Stewardship Act* (ALSA) (2009), the LARP Review Panel Report (2015), and related submissions from six First Nations. The second set of documentation consists of policies and directives related to the province's regulation of reclamation. This included Directive 074 (AER 2009), Directive 085 (AER 2015a), and the Tailings Management Framework (TMF) (AER 2015b). The third set of documents concerns world heritage. I assessed the Convention Concerning the Protection of the World Cultural and Natural Heritage (1972), as well as UNESCO documentation pertaining to Wood Buffalo National Park. This included its inscription as a world heritage site (IUCN 1983), Mikisew's petition to the World Heritage Committee (MCFN 2014), and the subsequent Reactive Monitoring Mission report (World Heritage Centre and IUCN 2017). I also assessed relevant policies, documents, and reports on an ongoing basis, as they arose at the GIR. My analysis has capitalized upon techniques that ensure the optimal synthesis of relevant literature (see Onwuegbuzie, Leech, and Collins 2012). As social anthropologists Shore and Wright (2011) assert, policies are fundamental organizing principles in society. Assessing the policies and legislation that inform and delineate energy governance in Northern Alberta therefore constitutes an essential component of my research agenda.

2.4 Data Analysis & Organization

The validity of research is strengthened through comparing various streams of inquiry, which data analysis allows. I recorded my interviews and focus group with an audio recording device. Upon my return from the field, I then transcribed these recordings for thematic and content analysis. I employed NVivo software to further my interpretive assessment. I also coded meeting minutes and fieldnotes. Firstly, I took a deductive approach to listing the general themes covered through data collection. Following that, I identified more specific themes in an exploratory fashion, in order to develop iterative categorization schemes. I then organized the resultant emergent codes within a shifting list of general themes. Beyond this open-ended, iterative

thematic analysis, I engaged in content analysis. Ultimately, I synthesized these sources of data. My analysis dovetailed transcripts from interviews and my focus group with findings from participant observation, in order to obtain richer understandings, as Agar and MacDonald (1995), as well as Swenson, Griswold, and Kleiber (1992), exemplify. Employing a range of complementary methods has enabled me to cultivate insights of greater depth, and to triangulate and cross-reference my findings. Data analysis advanced over several months as a long process of meaning-making and investigation.

Chapter Three features the analysis of the employment histories of a base of individuals, in order to explore ties between major governance sectors in the region. I reviewed my meeting minutes from the four months of fieldwork and searched the names of all individuals mentioned in meetings on LinkedIn, a professional networking website. I accessed these individuals' publicly available online profiles to mine their employment histories over the last 20 years. In order to expand the network I surveyed, I employed Russell's (2011) data mining framework to move beyond the original convenience sample amassed in the field (approx. 45 individuals) by gathering related contacts through LinkedIn's algorithm. I used suggestions supplied by LinkedIn to add 80 individuals to my sample, filtering out those whose professional histories do not relate to energy governance in Alberta. I then collected the occupational data of the full sample (n=125). I have depicted the professional trajectories of this sample according to their sectoral involvement in oil sands governance (Appendix D).⁵ This sampling strategy is not without fault; without knowing the full population involved in energy governance in northern Alberta, I cannot claim to have secured a representative sample. Moreover, my sampling method only includes those who have subscribed to LinkedIn's services. The challenges of this preliminary investigation, and the need for future related research, are discussed in Chapter Five.

A final note on focus group and interview citations: Throughout the thesis, I cite these data sources according to a coding schematic that identifies the method in shorthand (i.e. I or FG, for interview or focus group respectively), followed by a numbering scheme that represents the

⁵ The individuals within this sample have been anonymized. In this work, their places of employment also go unnamed; it is simply the governance sector in which they work that is taken into account here. Individuals whose professional backgrounds were not available over a substantial portion of the last 20 years were excluded (i.e., if they were professionally active throughout the sample period but a substantial amount of these records were unavailable, they were omitted). Employment outside Alberta, or of seemingly limited relevance to energy governance in the province, was not categorized according to the sectoral categories set forth here. In future research, it may be useful to assess movement *within* sectors (i.e., employers), as well as between sectors.

chronological order in which I engaged with these participants throughout the fieldwork. For example, I-4 would refer to the fourth interviewee. These codes will be included in parentheses, followed by the date of the encounter. The participants requested varying degrees of anonymity: some did not want their names or workplaces listed; others were comfortable providing these details in full. While details are incorporated into the text as privacy requests allowed, the coding schematic enables me to delineate their respective contributions in the work that follows.

2.5 Delineating the Field

The limits of my research site were set by my placement at the GIR, and the extent to which I was able to accompany and support the team over the summer. Prior to leaving for Fort McMurray, Dr. Westman and I assumed that I would spend the large majority of my time in the field within the city limits, hoping I could perhaps make it to Fort Chipewyan for one or two visits, in order to see the home community and engage with band members on the land base. I could never have predicted the full geographical and political breadth of my work, and the ways in which the boundaries of my field site metamorphosed over the four-month stretch with Mikisew: Its limits came to incorporate such far-flung spaces as federal boardrooms in Edmonton; hotels in Calgary; sacred gathering areas in Fort Smith, Northwest Territories; World Heritage Committee meetings in Krakow, Poland; and much of Fort Chipewyan. I sat in on exchanges and work sessions in hotel lobbies, restaurants, late-night haunts, airports, and in boats, planes, and trucks. My chief informants were those involved in championing Mikisew's interests in the politics of energy extraction, based primarily out of the GIR office, with whom I engaged on a day-to-day basis. I drew a smaller, secondary group of informants from the broader network of individuals that frequent the political spaces of energy governance alongside Mikisew, as well as from MCFN membership, although I had less opportunity to engage in formal interviews with the latter group. The GIR office's position as a consultation hub and representative body provided novel research experiences and fruitful grounds for exploring governance processes, as well as the opportunity to examine a range of perspectives on the politics of managing industrial extraction. Ethnographic engagement has enabled me to attend to the contentious social processes through which extraction in northern Alberta is negotiated. My immersive fieldwork has challenged and enhanced my analytical capacity as an anthropological researcher.

Chapter Three: Energy Governance in Alberta: Shedding Light on a “Black Box”

3.1 Introduction

Energy governance, or the political management of the energy sector (Van de Graaf and Colgan 2016), has transformed in Alberta in recent years. This chapter attends to the socio-political conditions of energy governance in Alberta by examining three major facets of the consultative and regulatory environment: (1) the degree of regulatory capture (a form of corruption) exhibited within the province, (2) the emergence of a network of consultation and regulatory specialists constituting an “epistemic community” (Haas 1992) in the oil sands region, and (3) recent reforms that aim to combat the negative reputation accrued by Alberta’s governance of extractive industries (see Adkin 2016; Shrivastava and Stefanick). This chapter investigates the manners in which energy governance has evolved in recent years, shedding light on the various actors and communities involved in negotiating energy extraction in Alberta. Drawing from ethnographic research, this chapter investigates regulatory capture in the province. As legal scholar Kwak (2014) outlines, regulatory capture is “a process by which regulation [...] is consistently or repeatedly directed away from the public interest and toward the interests of the regulated industry by the intent and action of the industry itself” (73). I explore regulatory capture by documenting the presence of a revolving door between major governance actors (i.e., government, industry, community), as workers move between positions representing these various sectors. The revolving door arguably creates a conflict of interest; regulatory enforcement tends to weaken among staff with a history of prior industry affiliations (Makkai and Braithwaite 1992: 61). The revolving door thus constitutes an important predictor of capture (Makkai and Braithwaite 1992; Tabakovic & Wollmann 2017). I assess the revolving door by tracing the employment history of a sample of those engaged in consultation and regulatory work in Alberta (see Chapter Two). I also attend to conflicting notions of public interest as one component of captured regulatory systems. These conditions combine to largely sideline Indigenous perspectives, as well as Aboriginal and treaty rights considerations. A brief assessment of the regulatory treatment of reclamation, and particularly tailings ponds, helps to demonstrate the pragmatic reverberations of regulatory capture in the oil sands region. As a whole, this chapter explores the notion that energy governance in northern Alberta is governed through conventionally closed political and social spaces (Bowness and Hudson 2014; Fluker 2015; Taylor and Freidel 2011). In doing so, this ethnographically grounded systems-level

analysis helps frame the chapters that follow, which attend to strategic Indigenous mobilization on matters of energy governance.

3.2 Governance in the Oil Sands Region

3.2.1 Capitalism and the state

The oil sands are the key driver of Alberta's economy (Stewart 2017: 1), and hold a central position within provincial and federal political economies (Adkin 2016; Richards and Pratt 1979). Political economy is an interdisciplinary tradition that assesses the relationships between political factors and economic conditions. Since the 1960s, anthropologists have employed political economic concepts to explain changes in sociocultural systems (Ervin 2015). As political economists suggest, the governance of capitalist states is influenced by economic elites due to the pre-eminence of private ownership (Miliband 1969: 173). Non-state actors, such as industry and Indigenous communities, contest and negotiate industrial activity alongside the state through a variety of emergent institutional mechanisms (Slowey 2008; see Figure 3.1).

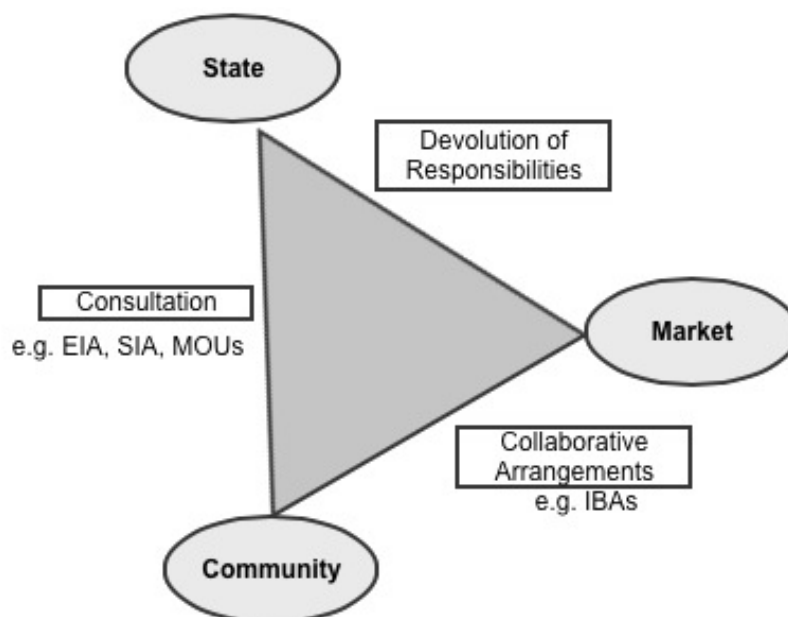


Figure 3.1. Oil sands governance mechanisms. Inspired by Lemos and Agrawal (2006: 310), this rendition of the original framework places the market above the community. This denotes the former's fulfilling of state responsibilities, and the manner in which community is traditionally seen as a recipient of decisions relating to extraction, rather than an active partner.

However, despite these competing influences, the business class holds decisive coercive power (Miliband 1969; Roseberry 1988). As a result, Miliband (1969) suggests, "The people in charge of the state have generally been strongly imbued with the belief that the 'national interest' was

bound up with the well-being of capitalist enterprise” (64); there is thus a conflation of business interests and the public interest. The partnership of state and capital undermines democratic principles, as economic growth becomes a primary concern among decision-makers (Miliband 1969: 65).

3.2.2 Neoliberalism in Alberta

Neoliberalism, a theory of political economy, constitutes a form of political liberalism that favours economic competition and free-market capitalism (Ganti 2014: 91-96).

Neoliberalism centres corporations as governance actors, as the state is reconfigured and “hollowed out” (Reed and Bruyneel 2010: 648). In the oil sands region, state powers are withdrawing in favour of augmenting market-driven solutions, deregulation, and economic competition (Slowey 2008; Urquhart 2018). Government has devolved governance responsibilities and power to industry (Bowness and Hudson 2014; Hitch 2006; Joly and Westman 2017; Wanvik 2016). A dialectical relationship between extractive industries and their critics, such as Indigenous peoples, is another critical feature of neoliberal governance (Kirsch 2014: 18), and one that is apparent in the oil sands region (Shrivastava and Stefanick 2015).

Studying contemporary governance necessitates a review of the historical emergence of relevant policy (Roseberry 1988: 161). Alberta’s fiscal policies on oil and gas have maintained a high degree of consistency over the last century (Phillips 2008; Stewart 2017). One exception documented by Stewart (2017) is the delegation of further leadership to the oil sands industry to “promote development on its terms” since the early 1990s, in order to enhance private investment (1-2). In the 20th century, Richards and Pratt (1979) note, establishing a favourable investment climate became a central priority in Alberta. Prioritizing the maintenance of a low tax rate has led Alberta to rely heavily on the rents from extraction (Adkin 2016; Shrivastava and Stefanick 2015). As a result, Carter, Fraser, and Zalik (2017: 61) characterize Alberta as an “energy-dependent” subnational government. Ongoing social research reinforces a hypothesis set forth by MacPherson (1953), as well as Richards and Pratt (1979), decades ago: The royalties harnessed from extraction are of fundamental importance to the economies of Alberta. Between 1996 and 2008, non-renewable resources constituted 30 percent of the province’s revenue, and as much as 51 percent during one fiscal year (Carter and Zalik 2016: 56). As will be explored further in this chapter, Alberta’s structural reliance on oil sands revenues has significant governance implications (Urquhart 2018): It prompts “rent-seeking behaviour” by the province

(Carter and Zalik 2016: 57-58), such as the avoidance of cumulative impact assessments, and the minimization of public involvement in decision-making related to the oil sands (Carter, Fraser, and Zalik 2017: 74-75). Political economic literature explores the extensive implications of oil extraction and fossil fuel-centred economies for the state of democracy in Alberta (Adkin 2016; Carter 2014; Shrivastava and Stefanick 2015). The Alberta context aligns with Miliband's (1969) early theorizations on state transformations under capitalism. While I do not necessarily advocate for a Marxist approach, I take a heuristic stance towards political economic theory in assessing my specific regional context and subject matter – a trend identified among ethnographers by Roseberry (1988: 172) some decades ago.

3.2.3 Studying oil sands governance

Political scholars often supplant theoretical models tied to developing nation-states and neoliberalism, such as the resource curse (Parlee 2015) and the petro-state (Carter 2014), to Alberta. Yet political economic research can negate the lived experiences of governance actors, as Roseberry (1988: 162) and Ganti (2014) acknowledge. Such structural analyses tend to reify state institutions, Carter and Zalik (2016: 63) reaffirm. Notable exceptions are emerging, with anthropologists in particular contributing to the study of ongoing and dynamic governmental processes in Alberta, such as Environmental Impact Assessment (EIA) (Baker and Westman 2018; McCormack 2016; Westman 2013). Expanding upon the political economic frameworks outlined above to incorporate a political ecology perspective enables fruitful analysis. Political ecology, an emergent interdisciplinary field, investigates the manners in which humans and institutions interact with physical environments (Ervin 2015). Political ecology also examines the relationships between environmental issues and political, economic, and social conditions (Adkin 2016). Together, political-economic and political-ecological frameworks consider environmental problems through assessing political spaces as social universes as well as nexuses of power (Roseberry 1988). In extractive zones, shifting relationships between industry, government bodies, and communities are negotiated alongside projects on an ongoing basis (Rogers 2015). My work addresses the need for additional ethnographic research on the oil complex (Rogers 2015; Watts 2005) in a manner that attends to the lived experiences and perspectives of the individuals who actively negotiate energy extraction in Alberta (Joly and Westman 2017: 26-27).

3.2.4 Regulatory capture

While I was in the field, representatives of Mikisew and Fort McKay First Nations often used the concept of “regulatory capture” to describe energy governance dynamics in the region. “It just perfectly fits here in northern Alberta,” the Mikisew GIR’s Government Relations Manager affirmed (FG-03, 21 August 2017). Regulatory capture describes a form of corruption in which interest groups, such as corporate entities, hold significant sway over regulatory bodies. While the political economic theory of regulatory capture emerged in the mid-twentieth century (Bernstein 1955), the onset of the financial crisis in 2007 brought new attention to the concept among economists (e.g., Buitter 2008; Young 2012). Researchers have only explicitly tied capture to the oil sands context in passing (see Shrivastava and Stefanick 2015). A considerable base of literature has developed on the political context of extraction in Alberta (e.g., MacPherson 1953; Richards and Pratt 1979; Urquhart 2010). Yet little academic investigation focuses directly upon regulatory capture in the province.

In interviews, Indigenous informants and consultation professionals working for Mikisew and Fort McKay First Nations commonly referred to the province’s “flawed regulatory process” (FG-01, 21 August 2017). One Chipewyan consultation worker with two decades of experience in the region labeled participation in Alberta’s consultation mechanisms as “a waste of time, a waste of resources,” and “a broken process” that does nothing to meet communities’ interests (I-08, 6 August 2017). Of course, not all informants exhibited such a degree of distress over current consultation practices.

Regulatory capture occurs on a spectrum, ranging from direct collusion and financial corruption, to well-meaning but industry-oriented (i.e., thoroughly pro-development, pro-growth) regulators, who develop misguided assumptions about the relative weight of extraction’s costs and benefits (Westman 2013). Due to the influence of private firms in government entities that have been captured, there is a gap between actual and perceived public interests (Shapiro 2012; Morley et al. 2017). As Kwak (2014) explains, “an industry might consciously set out to induce its regulators to identify with industry members and their interests, and those regulators might make decisions because their conception of the public interest has been colonized by industry” (79). Capture is visible when the public interest mirrors corporate values, and not shared societal preferences (Barnetson 2015).

Attending to the social and cultural processes of politics and power is critical (Roseberry 1988). My analysis explores the ongoing, relationship-based dynamics of capture in practice (see Kwak 2014). I attend particularly to the concept of cultural capture (Kwak 2014), which stresses that regulatory capture can occur through social interactions and cultural exchange.⁶ Political economic problems of the sort that arise in institutional matrices are well suited for ethnographic assessment (Roseberry 1988). Indeed, the actual relations and mechanisms of influence through which regulatory values and notions of public interest are transformed necessitate immersive fieldwork of the variety I have espoused.

3.3 Witnessing Capture in the Oil Sands

Today, regulatory capture is assumed to be an accomplished and presumably irreversible fact among community representatives and consultants in northern Alberta. Dan Stuckless, a Manager at the GIR reflected, “The only people who don’t see it are the ones that have been captured,” (FG-02, 21 August 2017) arguing that the reality of capture is apparent in Alberta. Stuckless is President of the Cumulative Effects Management Association (CEMA)⁷ and has worked in three Indigenous consultation offices over the last decade and a half. Throughout my fieldwork, contacts commonly used the idea of capture to describe the current governance environment. In meetings with the largest oil producers in the region, private firms did not push back against GIR staff’s assertions of capture. The manifestation of regulatory capture within my ethnographic research has led to its primacy within this chapter.

3.3.1 The revolving door: Moving between seats at decision-making tables

One manner in which regulated firms exert cultural and social influence upon staff at the regulator crystallizes is the “revolving door” (Nadel 1976): The revolving door is at play when there is a steady flow of employment opportunities and personnel between industry and regulatory agencies, as well as other sectors with major stakes in the regulation of economic activity (Tabakovic and Wollmann 2017). To assess the presence of the revolving door phenomenon in Alberta, I have depicted the professional trajectories of a convenience sample (n=125; see Chapter Two) according to their sectoral involvement in oil sands governance

⁶ Researchers have differentiated between different forms of regulatory capture to add specificity to the theoretical framework. Of particular salience are cultural capture, as well as information capture, and cognitive regulatory capture (Buiter 2008).

⁷ CEMA operated for over 12 years as a leading multi-stakeholder group in the Regional Municipality of Wood Buffalo, advising government policy and regulatory frameworks pertaining to the oil sands region. After CEMA’s funding was cut in 2016, its operations were suspended.

(Appendix D). While this analysis merits reproduction on a wider scale for generalizability and accuracy, my findings suggest that individuals move quite commonly between government, industry, and other sectors engaged in energy governance in Alberta.

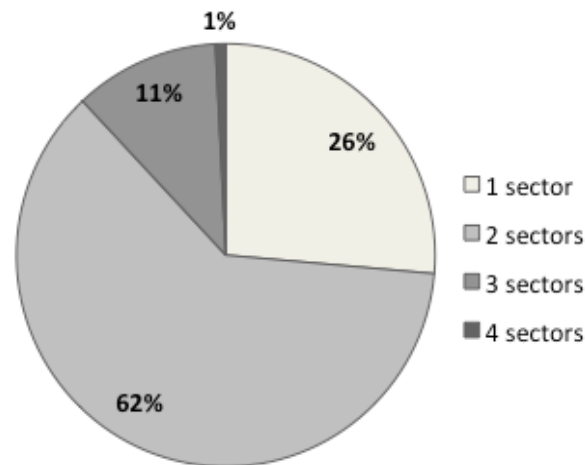


Figure 3.2. Degree of sectoral involvement in major energy governance sectors (i.e. government, regulatory, industry, or Indigenous community). This figure depicts the percentage of my total sample (n=125) that has obtained employment in 1, 2, 3, or 4 sectors that negotiate extraction in Alberta, within the last 20 years.

While this investigation merits expansion through future research, my sample suggests that it is typical to move from working for a government body (e.g., Alberta Environment and Parks or the AER) to private industry, or vice versa. Of the 125 individuals in my sample, one quarter (26%) had *not* worked for multiple major governance actors (i.e., government, regulator, industry, or Indigenous community) in the past 20 years (Figure 3.2, above). In other words, over the past two decades, a significant majority (62+11+1%) of those surveyed had occupied various positions in negotiating energy extraction.

In Alberta, the frequency with which employees move through the revolving door is indicative of both material and cultural capture. As a lawyer retained by Mikisew pointed out, one glaring example of this arises from the largest pending open pit oil sands project, a particularly contentious proposal from Teck Limited (McDermott 2018): A Crown Consultation Coordinator moved directly from the federal agency currently overseeing the review, where they had worked for 15 years, to a position as the Regulatory Manager for the corporate firm vying for federal approval (pers. comm. 21 October 2017; Appendix D). This is a timely case of a high-powered individual cycling through the revolving door. Social ties – as would be accrued by the

Coordinator in their previous position – may have significant reverberations upon governance processes (see Miliband 1969). High profile examples of the revolving door phenomenon have garnered media attention and political debate for over a decade. For instance, in 2007, Suncor executive Heather Kennedy was appointed to Assistant Deputy Minister for the Oil Sands Sustainable Development Secretariat (CBC News 2007). Then-NDP Leader Brian Mason responded, “It’s not only unusual, it’s completely unacceptable [...]. It’s an incredible conflict of interest the likes of which I haven’t seen from this government” (Pratt 2007). Despite public outcry, Kennedy remained a Suncor employee throughout (Nikiforuk 2010: 178). These paradigmatic examples demonstrate the manner in which career mobility may constitute and exemplify capture.

In the political spheres that oversee extraction in Alberta, it appears rare for professionals *not* to have stepped through the revolving door at least once or twice throughout their career. Personnel can thus act as decision-makers within both economic and political spheres. Business scholars Tabakovic and Wollmann (2017) posit that although the revolving door is partly a by-product of firms’ desire for workers with regulatory experience, this phenomenon can hinder regulator impartiality and discourage the protection of the public interest. A campaign manager assisting Mikisew at UNESCO reflected on the sway of corporate interest in the regulatory system, saying, “It’s an interesting lesson in where power lies. And the limitations of democracy” (I-02, 7 July 2017).

Alberta’s regulatory funding structure also merits discussion. The independence of any regulators who are funded in large part by the industry they are meant to regulate has been a source of contention (Carpenter and Moss 2014). In Alberta, 100% of the regulator’s funding is accrued from industry through fees levied on fossil fuel extraction (AER n.d.).⁸ Some economists assure cost-recovery organizations – such as the National Energy Board (NEB) and the Alberta Energy Regulator (AER) – are independent despite the manner in which their funding structures tie them to industry. Yet as Nikiforuk (2011) asserts, the AER’s financial

⁸ It should be noted that this number has only risen following regulatory reforms. The Energy Resources Conservation Board (ERCB) received extensive criticism for relying on the bulk of its funding from industry (Nikiforuk 2011), although reports only set it at 50-70% of its budget (Fortney 2009 reported it at 58%).

survival relies directly upon the success of the firms the regulator is meant to limit and oversee.⁹ These financial ties have led critics such as landowners, Indigenous communities, and NGOs to raise critical questions about AER's claims that it is able to represent the public interest and balance conflicting societal pressures (Pratt 2013). Many of these critics have branded the AER and its predecessors as partners of industry, rather than oversight bodies ensuring the responsible development of the province's natural capital (e.g., National Farmers Union 2013). Alberta is a resource-based jurisdiction, Shrivastava and Stefanick (2015: 20) underscore. The mutual dependency of private and public entities in one such oil-dominated economic system is a critical structural condition for governance in the province (Adkin 2016).

3.3.2 An emergent epistemic community in energy governance

Where there is a high degree of interchange and networking between regulators and regulated firms, legal scholar Bagley (2010) explains, "The agency may come to see the world the way its regulated entities do." Social interactions increase regulatory actors' exposure to industry representatives. Speaking specifically to capture, Kwak (2014) outlines three primary mechanisms of influence: group identification, status, and relationship networks. Over time, recurrent interactions and camaraderie in a professional sphere may lead individuals to perceive other consultation and regulatory workers as peers within their in-group. This fosters what Haas (1992) describes as an epistemic community, or "a network of professionals with recognized expertise and competence in a particular domain and an authoritative claim to policy-relevant knowledge within that domain or issue-area" (3). The specialized knowledge required to skilfully navigate the complex and ever-changing regulatory system in Alberta distinguishes these individuals. Expertise is apparent in actors' specialized linguistic repertoires (Carr 2010): As Carr (a linguistic anthropologist) documents, technical terms and acronyms reinforce expert status. In Alberta, discussions and meetings pertaining to energy governance are infused with regulatory and consultation jargon (e.g., Joly 2017). Linguistic capital is harnessed for political gain and tactical advantage within such negotiations (Westman and Schreyer 2014: 135). Colleagues and representatives I met in the field employed acronyms when referring to nearly all participatory forums, government bodies, and relevant legislation and regulations. As a result, it took me weeks of ethnographic immersion to familiarize myself with the acronyms and other

⁹ As Zalik (2016) explores, it is worth noting that consultation offices also rely on industry for funding, and are thus structurally tied to project proponents as well (see Chapter Four).

discursive practices that dominate political spaces governing the oil sands region. Specialized linguistic signals, such as acronyms and technical terminology, reinforce the exclusivity and membership boundaries of the epistemic community.¹⁰

In neoliberal economic systems, governance processes exhibit close ties between corporate and state institutions (Ganti 2014). This fosters ideal conditions for the emergence of cultural capture, and the revolving door phenomenon. According to cultural capture, regulators come to align their worldviews and priorities with those of regulated firms, and ultimately rule in favour of such firms, due to their ideological influence (Kwak 2014). Cultural capture thus extends the impetus of capture beyond material self-interest, to recognize that social interactions and influence also impact regulatory decision-making (Kwak 2014: 79). As Haas' (1992) model sets forth, epistemic communities come to share normative and causal beliefs, notions of validity, and policy enterprise. As a result, regulators may gradually adopt corporate objectives and interests, which centre oil production and economic returns, as Shrivastava and Stefanick (2015: 3-4) underscore.

In Alberta's political-economic system, shared governance responsibilities such as consultation promote the rise of an epistemic community tied to regulation in the province. Hoberg and Phillips (2011) document this state-market alignment of interests at Alberta's Multi-Stakeholder Committee in 2006-2007. This multi-sectoral governance structure was designed to make plans and recommendations for public consultation on policy and management principles designed to oversee energy extraction. While engaged in the Multi-Stakeholder Committee, industry and the provincial government voted together 97% of the time on the 120 recommendations produced by the committee (516). Hoberg and Phillips (2011) suggest this consistent voting alignment enhanced their ability to defend oil sands extraction from its critics. Such strategic alignment contributes to a longer-term tendency to limit public input and participation in energy governance in Alberta, as noted by Fluker (2015). Relationship-based incentives, such as the accrual of social capital (Bourdieu 1986; Coleman 1988), promote pro-market cooperation and shared disregard for the internalization of the costs and trade-offs that are inherent in extraction. A UNESCO Campaign Manager consulting for Mikisew had

¹⁰ For instance, Joly (2017) chronicles the pre-eminence of technical knowledge at post-extractive reclamation meetings. This leads Indigenous voices to be subsumed as non-expert, which operates to the detriment of multi-stakeholder processes and resultant deliverables meant to inform industry and government policy.

previously worked in Australia's treasury department for over a dozen years, overseeing the assessment process for foreign investment in mining. She reflected on the pro-market cooperation she witnessed there, drawing a comparison between the Alberta context and that of Australia. The Campaign Manager explained,

The most powerful companies develop new policies and new frameworks to make it easier for them to [...] comply. You change the policy to suit the company in consultation with them (the company). [I-02, 7 July 2017]

The informant reflected on her time leading a federal department tasked with overseeing mineral extraction in Australia, maintaining that policies were “strongly influenced by the companies, who wanted basically to have less red tape around their pathway to develop new mining projects, and they largely succeeded” (I-02, 7 July 2017). Mining and oil companies, she asserted, are part of an industry that is “pretty much used to getting its way almost anywhere in the world” (I-02, 7 July 2017). Much as Kirsch (2014) posits, the informant reinforced that close ties between industry and government staff are common in extractive hotbeds like Australia and Alberta. She concluded,

I learnt an enormous amount in that period, not just on how industry operates, but on how politically powerful it is. The people, if you like, who had the most sway on government, were certainly the miners. [I-02, 7 July 2017]

The Campaign Manager thus suggests that the rapprochement between industry and government is interpersonal in nature, echoing Miliband (1969). Social interactions and influence advance capture. As a result, over time, those instated in government to defend publics from harm associated with extraction grow reluctant to do so (Fluker 2015). Ultimately, the regulator begins to operate in defiance of its purpose.

My placement at the GIR shed light on the inner-workings of the distinct, emerging class of “knowledge-based experts” (Haas 1992: 2), which unites representatives from government and industry, and increasingly from communities as well. These workers are distinguished by the ease with which they move through the regulatory system. I met government representatives in meetings in Fort McMurray's provincial building, and then crossed paths with the same groups lingering around one of Fort Chipewyan's main restaurants following participatory forums and meetings. Sitting in airport eateries across western Canada, GIR staff and I would turn around to find representatives from corporate firms and neighbouring IRCs in adjacent seating. While in the field with the GIR, I consistently found myself sharing meeting spaces, taxicabs, and catered

coffee breaks and lunches with representatives from government and industry groups. Camaraderie may easily develop within these spheres of energy governance, especially given the recent proliferation of engagement sessions, which prompts multi-sectoral work and prolonged contact. Increased interaction facilitates networks and group identification, which may encourage capture (Kwak 2014). As Buiter (2008) explains, it is through social interaction that “those in charge of the relevant state entity internalise, as if by osmosis, the objectives, interests, and perception of reality of the vested interest they are meant to regulate.” The alignment of industry and government officials results from the influence of private firms’ representatives (Miliband 1969), which is socially transmitted (Buiter 2008). As political economic scholars set forth, consequently, the state comes to embody a complex of industry and government (Miliband 1969), undermining democratic decision-making (Shrivastava and Stefanick 2015), and cementing economic interests as paramount in Alberta (Adkin 2016).

3.3.3 Capture in Indigenous consultation offices?

Indigenous peoples’ representatives are not fully immune to such dynamics of capture. Two of the Mikisew staff with whom I worked closely had previously worked for corporate firms. In an interview, one such employee highlighted the manner in which her previous work with industry and environmental groups enhanced her current work, saying,

Right now I represent one sector, but it’s really important that you understand where the other sectors are coming from – especially if you’re trying to find that middle ground in consultation, you need to know what the drivers are. [I-05, 28 July 2017]

The worker felt her regulatory expertise was enhanced by experience in other sectors. Another informant described her own employment trajectory similarly: she had spent a decade representing a large corporation in Regulatory and Indigenous Relations, before engaging on behalf of a First Nation for the following decade. I asked her to reflect on that transition, mentioning that it appeared she had moved “from one side of the table to the other,” during our interview:

It was done a bit on purpose, because I think the value of recognizing where each person [stands] – how they approach issues and what issues they face internally – helps you to be able to find solutions when you’re working from various perspectives. You can be a bit more appreciative of what drives them, what motivates them, what helps them make decisions, what’s within their area to make decisions... [I-05, 28 July 2017]

This informant's response reinforces the value of occupying positions in different governance sectors in northern Alberta. These individuals' abilities to move from industry to Indigenous community offices, however, also opens up such staff to scrutiny, as they have ostensibly moved through the revolving door between governance sectors. Due to their previous ties to industry, these staff may be susceptible to assertions of patronage as well. Thus, offices like the GIR may not be entirely immune to the criticisms they level against government regarding capture. Yet the repercussions of this potential variant of capture are less far-flung, as such offices are not charged with representing the public interest at large, and GIRs and IRCs are fundamentally caught within a pro-business political system (Adkin 2016; Shrivastava and Stefanick 2015). Nevertheless, the intersection between regulatory capture, the revolving door, and staff within GIRs and IRCs merits further research.

3.3.4 Notions of public interest

Alberta's cabinet and regulator, as well as their federal counterparts, are required to make decisions based on the public interest (Fluker 2011; Stefanick 2015). Yet as a Government Relations Consultant explained, public interest "has always been strongly economic" in Alberta (I-09, 10 August 2017; also see Fluker 2015). "The realities of needing the energy sector as a supporting and voting member of your government is very rooted," a Dene Consultation Coordinator added (I-08, 6 August 2017), reinforcing notions that the interests of industry have long been prioritized in provincial government processes. Indeed, my informants commonly contended that the regulator tends to serve only one section of society – namely, industry. These assertions strongly align the Alberta context with the central tenets of regulatory capture. Once captured, public administration and political scholar Bernstein sets forth, "regulatory agencies go through a 'life cycle' that sees the public interest progressively subordinated to the interests of the regulated industry" (Makkai and Braithwaite 1992: 62). A recent study on regulatory excellence commissioned by the AER warned that regulators often fail to ensure they operate justly in a manner that serves their entire publics, instead focusing on techno-scientific competence (Coglianese 2015).¹¹

My fieldwork largely reaffirmed contentions that oil industry interests and public interests have been merged in Alberta (e.g., Stefanick 2015; Urquhart 2018). During my first

¹¹ Many scholars express doubts about the claims of expertise in Alberta's regulatory community, as deficiencies in socio-cultural expertise are increasingly well documented (see Baker and Westman 2018; Joly and Westman 2017; McCormack 2016).

interview, a young Mikisew member stated plainly, regarding decision-making on industrial extraction in northern Alberta, “It’s more about dollar value, it’s not about what we’re leaving behind, and it really should just be about what we’re leaving behind” (I-01, 15 June 2017). First Nations members and representatives commonly articulated that the Alberta government’s notion of the public interest is single-minded and financially oriented. Much as MacPherson (1953) argued in the mid-twentieth century, maintaining a business-friendly climate still appears to be the province’s major priority (Adkin 2016; Carter 2014; Hoberg and Phillips 2011).

Mark Gustafson, a lawyer for Mikisew’s consultation team, recalled being in a meeting with the province’s legal counsel in which the government representative bluntly stated, “Alberta’s job is to make decisions in public interest, and the public interest will always [outweigh] Mikisew” (I-04, 25 July 2017). Gustafson reinforced that royalties are “the only thing that [government] will consider for public interest” (I-04, 25 July 2017). Related anecdotes and assertions were commonly shared with me in the field, reinforcing that the government’s narrow conception of public interest largely excludes Indigenous interests. Gustafson elaborated,

It seems like it’s the financial benefit that can be spread around the province in terms of employment and revenue – the royalty stream – that outweighs the impacts to individuals and their way of life. That can’t be right. [I-04, 25 July 2017]

The public interest is thus misconstrued in Alberta, sidelining Indigenous perspectives (Slowey and Stefanick 2015). This is inappropriate – I argue – in light of the constitutional protection of Aboriginal and treaty rights (see Newman 2014a), as well as Supreme Court jurisprudence (*Clyde River* 2017; *Rio Tinto Alcan* 2010).

According to one participant, in the past, Canadian law has been very nebulous in addressing how Aboriginal and treaty rights fit into the public interest (I-04, 25 July 2017). More recently, after decades of Indigenous resistance (Longley 2015), and increasingly broad public outcry over the governance of extraction (McNeill and Thornton 2017), the courts have begun challenging the public interest tests that regulators and the Crown undertake regarding energy development. In *Clyde River* (2017), the Supreme Court of Canada noted, “A project authorization that breaches the constitutionally protected rights of Indigenous peoples cannot serve the public interest” (para. 40). The Supreme Court thus reaffirmed that Indigenous rights must be granted due consideration for a project to be in the public interest, adding that the duty to consult “gives rise to a special public interest that supersedes other concerns typically

considered by tribunals tasked with assessing the public interest” (*Clyde River* 2017). Gustafson, who has represented a number of First Nations in the oil sands region over the last decade, reflected upon recent jurisprudence (*Clyde River* 2017; *Rio Tinto Alcan* 2010) to note that at the very least, from a strictly legalistic perspective, public interest requires that governments act constitutionally; therefore any rights infringement and inadequate consultation defies the public interest (I-04, 25 July 2017). Recent Canadian case law indicates the need to reform governments’ notions of public interest. While competing societal needs must still be balanced (*Chippewas of the Thames First Nation v. Enbridge Pipelines Inc.* 2017), present-day Supreme Court rulings highlight the need for a more robust public interest test that explicitly incorporates Indigenous rights. Recent jurisprudence is effectively nullifying opaque and economically oriented notions of public interest, and reaffirming the imperative of added regulatory transparency.

Aboriginal and treaty rights are not adequately considered nor protected within the current regulatory system (Laidlaw 2016a). Carla Davidson, a government affairs consultant based in southern Alberta, explained,

Right now, the assumption has been very explicitly stated that the protection of Aboriginal and treaty rights is a natural extension of protection of the environment. And that because they are protecting the environment, then, ‘I don’t know why you’re concerned.’ And that’s essentially what we hear. And when we say, ‘You need to actually consider how we protect Aboriginal and treaty rights,’ there is honest confusion from the technical people in the government; ‘How would you ever do that?’ They ask. [I-09, 10 August 2017]

A recurring theme in the engagement sessions and interviews in which I partook was the widespread lack of proficiency in evaluating Indigenous rights and issues among decision-makers in Alberta. These discussions complement growing evidence of cultural misrepresentation and deficient expertise in assessing impacts to rights. This trend is documented in traditional land use (TLU) studies (Baker and Westman 2018; Natcher 2001; Westman 2013), which constitute a primary means of consultation (Baker 2016), as well as in regulatory disputes and hearings (McCormack 2016). Across the board, Joly and Westman (2017: 5) reaffirm, proficiency in evaluating social- and rights-based issues is widely lacking in oil sands governance.

Energy governance processes in Alberta offer primacy to economic and fiscal growth (Adkin 2016), although a number of studies assert this is contrary to public opinion (see Dyer

2007; Rudny 2015). As oil sands extraction was steadily increasing in pace a decade ago, the Pembina Institute found that over 70% of Albertans surveyed believed the Government of Alberta should suspend new oil sands approvals until environmental and infrastructural issues had been addressed (Dyer 2007: 3). The majority of Albertans expressed concern that oil sands extraction had been occurring too quickly (Dyer 2007: 4), and Albertans commonly feel that more environmental oversight is needed (Rudny 2015). As such, it appears that the AER's notion of the public interest does not incorporate the needs of Indigenous peoples, nor reflect the actual preferences of Albertans at large.

3.4 Reforming the System: The Proliferation of Opportunities for Engagement

At engagement sessions with the AER, government representatives often attempted to create a marked divide between themselves and past regulatory bodies such as the ERCB, saying, "We are not the same regulator, we are not. We are trying to do business in a different way" (Fieldnotes 5 May 2017). The province is cognizant of the lack of faith in its regulatory system. In recent years, in an attempt to combat its negative reputation, Alberta's regulatory process has undergone significant reforms (Hoberg and Phillips 2011). The AER was created in 2013, amalgamating regulatory functions previously housed by Alberta Environment and Sustainable Resource Development since 2008, and the Alberta Energy Utilities Board before that. Spurred in large part by mounting, global criticism over the opacity and weakness of the previous structure (Ellis 2016; International Energy Agency 2010), the reforms aimed to add transparency and streamline Alberta's regulatory process.¹² Yet these changes left a single regulatory body with all decisions related to both industrial extraction and environment, while fully funded by industry, raising further concerns (Pratt 2013).¹³

Alongside this restructuring, Alberta's energy sector has seen a proliferation of advisory committees, outreach, and engagement initiatives (Hoberg and Phillips 2011). To name but a sample, this includes the Oil Sands Advisory Group (OSAG); the Tailings Management Framework's Stakeholder Interest Group (SIG); the Indigenous Wisdom Advisory Panel to the

¹² While fostering a reputation of regulator transparency was a major impetus for the reforms, critics express concern that the AER's new chairperson, Gerry Protti, is the former founding President of the Canadian Association of Petroleum Producers, and allegedly possesses "a bias in favour of the oil industry" (National Farmers Union 2013). This is another example of regulatory capture via the revolving door.

¹³ One of the more vocal critics was then-Environment Critic Rachel Notley, for the New Democratic Party, who argued the reforms could "decimate" Alberta's ability to protect the environment (Pratt 2013). The new structure has since held, despite Notley's election as Alberta Premier in 2015.

Alberta Environmental Monitoring, Evaluation, and Reporting Agency (AEMERA); working groups on the AER's Liability Management programs (e.g., the Mine Financial Security Program) as well as the AER's Integrated Decision-making Approach (IDA); joint provincial and federal engagement sessions on Oil Sands Monitoring (replacing the Joint Oil Sands Monitoring Program [JOSM], from which First Nations withdrew due to concerns over transparency); and WBNP's Cooperative Management Committee (CMC). These multifarious participatory processes bring together representatives from government bodies and First Nations and Métis groups, occasionally incorporating private firms as well.¹⁴ The sessions I attended were typically held in hotel conference rooms and government offices in Edmonton, Calgary, and Fort McMurray (Figure 3.3), thus requiring significant time and capacity to participate.



Figure 3.3. Mikisew presents a video at an engagement session with the federal government at the Best Western hotel in Fort McMurray. (Photo by author, 19 July 2017)

Alberta Environment and Parks, in conjunction with Environment and Climate Change Canada, held the first engagement session I attended. I left the bright conference room in Fort McMurray's Radisson Hotel taken aback by the antagonistic conversations. In between light-hearted coffee breaks and catered lunches, First Nations and Métis representation raised

¹⁴ Although proponents have established their own closed collaborative forum, Canada's Oil Sands Innovation Alliance (COSIA), in which ten major companies share "experience and intellectual property" with the stated aim of improving environmental performance (COSIA n.d.), associate members are limited to industry actors, research hubs, and academic institutions. Indigenous communities emphasized during engagement sessions with government that they are not privy to these conversations.

fundamental concerns about government departments' abilities and readiness to incorporate Aboriginal and treaty rights into plans and policies. I slowly became accustomed to the combative atmosphere of these sessions, with various GIRs' and IRCs' frustrations palpable and enduring, as pressing questions on consultation and engagement processes went unanswered.

Expectations for participation have evolved remarkably in recent years, a fact noted by the AER's CEO, Jim Ellis (2016). Informants spoke to this burst of participatory processes in a variety of ways. Lawyer Mark Gustafson tied the trend to "an explosion of rhetoric change" (I-04, 25 July 2017) around climate change, UNDRIP, and reconciliation at the last provincial election (e.g., Morin 2015). In 2015, Alberta's New Democratic Party (NDP) won an election that brought a left-of-centre party to power in the province for the first time since the 1930s (Mills 2017). While also exhibiting scepticism regarding the authenticity of these election promises and linguistic devices, which is shared by a number of scholars (Carter, Fraser, and Zalik 2017; Mills 2017), the aforementioned informant argued that the accompanying rhetoric change stimulates conversations on energy governance on a broader scale. The rhetoric change is also apparent, though perhaps to a lesser degree, at the national level. A federal Crown Consultation Coordinator reflected on Albertan and Canadian government authorities as being increasingly open to such dialogue: "Whereas before perhaps there would have been a role for government as a regulator that, you know, would have put up more conservative barriers, I think that is changing" (I-03, 22 July 2017). The latter respondent asserted that governments are opening up to the idea of steady collaboration and informational exchange with Indigenous peoples. In my interviews, respondents from government (two) and industry (one) acknowledged the importance of added avenues for community input – though perceptions of these processes' implementation vary widely (Mills 2017). Indeed, Carter, Fraser, and Zalik (2017) note that the NDP election does not seem to have resulted in regulatory reform, positing that this is due to the centrality of fossil fuel extraction to the province's revenue base.

3.4.1 Policymaking as a "black box": The ongoing negation of Indigenous voices

Participatory processes have proliferated in Alberta in recent years (Hoberg and Phillips 2011), yet respondents and acquaintances I interacted with in the field consistently put their effectiveness into question. One informant characterized Alberta's regulatory reform from 2012 to 2014 in the following manner:

[It is] a lot of restructuring to make it harder for First Nations to participate in energy decisions... Harder to participate in hearings, different scope of hearings to limit the effectiveness – the already limited effectiveness – of consultation, and turning consultation into full-on opportunity just to blow off steam, not to actually influence decisions. [I-04, 25 July 2017]

As is becoming increasingly apparent in other energy governance contexts (e.g., Dokis 2015), despite participatory reforms, First Nations and Métis representatives in the oil sands region continue to express frustration at the government's approach to engagement (Joly and Westman 2017). These representatives regularly discuss the governance of energy extraction as a “black box,”¹⁵ comparing Alberta's regulatory process to aircraft devices with unknown internal mechanisms; they are poorly understood yet they produce specific, critical results (Cambridge Dictionary n.d.). Following an engagement session with the Alberta Energy Regulator, a Fort McMurray First Nation staff member rebuked, “They encourage us to offer input, with no promise that it will be incorporated or even taken seriously” (Fieldnotes 28 June 2017). As Hoberg and Phillips (2011) concluded in an early analysis of Alberta's burgeoning multi-stakeholder initiatives, while First Nations and Métis peoples are invited to an increasing number of engagement sessions, most critical decisions seem to be made in opaque, closed forums.¹⁶ As such, ongoing practices defy the recommendations of the AER-funded Best-in-Class Regulator Initiative, which consistently found that stakeholders and rights-holders are not nearly as interested in being privy to data, so much as grasping the rationale underlying major decisions (Coglianese 2015).

Consultation and regulatory specialists described participation-oriented reforms as a mechanism to keep Indigenous representatives running in circles. This aligns with Hoberg and Phillips' (2011) assertion that multi-stakeholder forums can also serve as a form of co-optation or manipulation (510). One Dene expert in consultation explained,

It's a shellgame of redirecting you to all these multiple processes without any accountability in the system, because it is designed to keep you moving to address issues in all these different arenas, where there is literally a strategic approach to not addressing impacts to Aboriginal and treaty rights. [I-08, 6 August 2017]

¹⁵ The same language appears in reporting and media coverage (e.g., Thurton 2017).

¹⁶ Moreover, often government departments and proponents request community participation and input without providing adequate capacity funding for the technical reviews of policies and regulations. As such, communities are not equally equipped to partake in such governance negotiations (Joly and Westman 2017).

Indigenous voices continue to be marginalized in a regulatory system that seems largely unable and unwilling to address concerns that are raised, especially as they pertain to Aboriginal and treaty rights (Joly and Westman 2017; McCormack 2016).

Alberta's reforms constitute a strategy of containment (Pralle 2006), or a defensive tactic that maintains state primacy in policymaking (Hoberg and Phillips 2011). A technical consultant elucidated this in discussing a recent experience in which the issues she raised regarding Aboriginal and treaty rights were deemed out-of-scope at the Stakeholder Interest Group – a table specifically designed for out-of-scope issues. Reflecting on the incident, she pressed,

I think what the government is doing is really terrible, and I do think that it's a concerted effort to be as dismissive as possible towards Indigenous rights. [...] No one actually expects that anything is going to change, from going to these stupid multi-stakeholder tables. Nothing. [I-09, 10 August 2017]

First Nations are given many opportunities to offer input without knowing whether their voices will be heard, much less acted upon, beyond the walls of the conference rooms in which they meet – much like Dokis (2015) documents in the Northwest Territories. As I experienced firsthand while working with Mikisew, Indigenous peoples in the oil sands are constantly fielding calls to attend such sessions. Yet they leave feeling dismayed as Indigenous concerns and rights are sidelined, or “put in a parking lot,” as government officials regularly say in meetings. It is common for communities to walk out of such sessions early, after getting their concerns on record for potential future legal challenges against Alberta. This is a testament to persistent reservations about these forums. Despite participation-based attempts to enhance the legitimacy of governance in Alberta, the regulatory system continues to undermine the protection of Aboriginal and treaty rights.

Reforms to energy governance have been undertaken as an attempt to remedy a widespread lack of public confidence in the decision-making process. Yet as a Dene consultation veteran admonished, “There is still as much obstruction to addressing key issues as there was historically” (I-08, 6 August 2017). Fundamental flaws in Alberta's energy governance mechanisms remain. Governments continue to delegate the duty to consult to industry (Newman 2009), although proponents can only attend to project-specific impacts (Laidlaw 2016a). This leaves no space for consultation on cumulative impacts and landscape-scale planning (Carter, Fraser, and Zalik 2017). As a result, while rights holders recognize themselves as essential

partners in decision-making processes, they persistently feel disregarded and silenced (FG-06, 21 August 2017; also see Mills 2017).

3.5 Case Study: The Regulatory Treatment of Tailings

Informants pinpoint reclamation and tailings as an example of ongoing black box-style regulatory decision-making (Fieldnotes 31 May 2017). Tailings ponds, which are central to debates on reclamation, are designed to contain oil sands process-affected water. Historian Chastko (2004) emphasizes that fluid tailings have been mismanaged since the emergence of oil sands mining in the mid-twentieth century, with industry steering regulations and policies designed to oversee their activities. The sheer magnitude of reclamation planning renders imperative the need for binding regulations and community-informed solutions. Currently, decisions are made behind closed doors while veiled in rhetoric of *public interest* and the *greater good*.

Tailings ponds are supposed to be a temporary solution to the industry's waste problems (Hutchins 2014). Tailings pose a number of environmental threats (NEB 2014), such as the around-the-clock groundwater-based diffusion of pollutants, some of which are carcinogenic and have deleterious effects (McNeill and Lothian 2017). According to the Pembina Institute, by 2015, fluid tailings totalled 1.18 trillion litres (McNeill and Lothian 2017). Cognizant of the colossal potential impact of these tailings, in recent years, Mikisew and other downstream Indigenous groups have expended much energy engaging with government and non-profit organizations and think tanks to improve tailings management.

Policies and regulatory frameworks meant to direct industry's application of tailings ponds as a waste management solution have proven malleable. Initially, the AER outlined tailings performance criteria in *Directive 074* (2009), but 074 was scrapped after corporate firms protested its stringent standards as unfeasible, for they required tailings volumes to be reduced and landscape reclamation to occur within 5 years of mine closure. No oil sands operators met their own plans and guidelines under *Directive 074*. *Directive 085* has since replaced 074 (AER 2015a). My participation in working groups and multi-stakeholder forums on 085 brought to light intense criticism from Indigenous peoples, NGOs, and other interested parties. Primary concerns include the new directive's disregard for Indigenous rights and cumulative effects. The new regulatory framework is guided by companies' ability to comply, opponents assert – this is a

trait Kirsch (2014: 48) characterizes as a staple of neoliberal economic policy. Opportunities for public input have been highly limited.

Private firms have developed tailings management plans aiming to comply with *Directive 085* and the accompanying *Tailings Management Framework for Mineable Athabasca Oil Sands* (TMF) (AER 2015b). These plans were due in fall 2016. Suncor's plan was the first to be reviewed, and the AER publicly informed Suncor that its plan did not adequately fulfill the requirements of either the TMF or Directive 085 (AER 2017b). The plan was rejected due to insufficient information and untimeliness, as well as its reliance upon unproven technologies (CBC News 2017a). Yet after outcry from Suncor, the AER reconsidered, and ultimately accepted the plan with minimal changes (CBC News 2017b). Other plans that directly contravene Directive 085 have been passed since (Pembina Institute 2017). Tailings management typifies regulatory capture in the oil sands, as industrial actors have repeatedly swayed governmental bodies to whittle down regulatory requirements.

We are witnessing the “gross historical mismanagement” of tailings today, according to a technical expert I interviewed following an engagement session on the financial costs of reclamation (I-09, 10 August 2017). The respondent, Carla Davidson, consults regularly for the Wood Buffalo Environmental Association (WBEA) and Fort McKay First Nation, and has previously worked with the Canadian Oil Sands Innovation Alliance (COSIA). Davidson elaborated,

All these tailings management plans are very vague [...]; these reclamation plans are very fluid. So even now, there's no way to tell what the final landform is going to look like. The really scary thing for me is that the government legitimately has not even considered doing [...] a cumulative effects assessment of all of these reclamation plans. [I-09, 10 August 2017]

As Davidson underscores, the AER does not intend to undertake a cumulative assessment of the effects of tailings plans, allowing industry to take the lead in proposing and implementing novel strategies for managing process-affected water. As Carter, Fraser, and Zalik (2017: 74-75) reaffirm, the avoidance of cumulative effects assessments is typical of neoliberal regimes. Under industry's hegemony (Stewart 2017), there are no viable or tangible long-term solutions that have been set forth to manage northern Alberta's extractive zones.

Reclamation in the oil sands was a central concern articulated by the vast majority of my informants. During my interviews, various Consultation Coordinators for Mikisew and Fort

McKay First Nations reaffirmed that their communities' preferences regarding end land use have been neglected. Expressing concern over what would be left of Mikisew's traditional lands in the wake of extraction, a Band Council Member reflected,

I think that one day it's going to just exhaust our treaty and cultural and Aboriginal rights, because industry will take over our land, and they say they're going to reclaim it and stuff like that, but who really lays down a seed better than the Creator? Bends the rivers like he's done, or raised a tree up, you know? [I-06, 29 July 2017]

This perspective illustrates the stark contrast between the views of Indigenous peoples and those of industry in planning for reclamation.

As Joly (2017) underscores, these reclamation plans are incompatible with traditional land uses, despite industry assertions to the contrary. Joly (2017) adds that reclamation rhetoric, which emphasizes utility, trivializes Indigenous relations to the land. Reclamation planning and ongoing tailings management in Alberta fails to incorporate the views and priorities of Indigenous peoples and NGOs.

Jodi McNeill, a Calgary-based Policy Analyst, elaborated,

It makes me nervous that there are so many unknowns and there really aren't [...] the resources to be able to address those unknowns after the oil and the dollars have come out of the ground. That really does make me nervous. [I-10, 13 August 2017]

Indeed, environmental watchdogs warn that the potential taxpayer liability of the tailings ponds now surpasses the total royalties obtained by Alberta over the past fifty years of extraction (Environmental Defence Canada 2017). Private firms' reclamation plans may require permanent maintenance and monitoring (McNeill and Lothian 2017). The vast societal costs of environmental contaminants and clean-up liabilities in post-extractive terrains render the (mis-) management of reclamation entirely contradictory to the public interest (Slowey and Stefanick 2015).

The AER's inability to address the oil sands' tailings legacy undermines the agency's attempts at combating its reputation as a captured regulator. Tailings' treatment to date reaffirms assertions that the regulator is inclined to comply with industry's needs, placing corporate interests above those of Indigenous peoples, key stakeholders, and the public at large. The regulatory system is sanctioning leakages and mismanagement of toxic fluid tailings in the oil sands.

3.6 Conclusion

Much as Richards and Pratt forecasted in 1979, energy extraction is of critical importance to Alberta's political and economic organization (Carter and Zalik 2016). The devolution of responsibilities from state to corporate institutions emerges as a defining feature when assessing energy governance. Cultural capture provides a critical basis for assessing energy governance in the oil sands, given the emergence of an epistemic community that oversees and manages extraction in northern Alberta, and relatedly, the pre-eminence of the revolving door phenomenon. My findings suggest that the majority of individuals within my convenience sample had worked for various sectors of energy governance (e.g., industry, government, and Indigenous communities). Individuals with experience in regulatory and consultation work frequently move between positions in these sectors' offices. Within a captured political system, the public interest is easily subsumed to economic and private interests. Decision-makers grant fiscal solvency pre-eminence within the public interest, and thus sideline Indigenous rights and broader societal priorities, although recent Canadian jurisprudence may add to the imperative to address this regulatory shortcoming.

In response to global concern over Alberta's regulatory deficiencies, the provincial government recently restructured the Alberta Energy Regulator and established a range of participatory processes. Yet as my ethnographic research suggests, despite the Alberta Energy Regulator's efforts to become a "Best-in-Class" regulator (Coglianese 2015), outstanding issues plague the oversight of the oil sands. Indications of capture persist in Alberta. This is apparent in the ongoing mismanagement of tailings ponds and reclamation, wherein regulatory bodies disregard the burgeoning legacy of energy extraction. In spite of reforms, the regulatory system is fragmentary (Carter, Fraser, and Zalik 2017). Alberta's regulatory framework appears ill equipped to address Indigenous rights and other fundamental concerns tied to oil sands extraction, thus sidelining critical points of public interest. Deep-seated regulatory shortcomings in Alberta, and the social and political conditions that contribute to these trends, warrant further civic attention.

Chapter Four: Mikisew's Mobilization in the Oil Sands Region



Figure 4.1: The residents of Fort Chipewyan celebrate Treaty Days on the ceremonial grounds at Doghead Arbour, where a residential school once stood. (Photo by author, 22 June 2017)

4.1 Introduction

Sitting in the ceremonial grounds at the heart of Fort Chipewyan (Figure 4.1), an informant explained, “We want to be able to retain the opportunities for our culture into the future, and for our rights into the future” (I-08, 6 August 2017). She maintained that Indigenous groups in the region are profoundly united in prioritizing the ability to practice their culture and rights. Her family was from another First Nation in the region, and she had been working in Indigenous relations and consultation on behalf of both industry and First Nations in the region over the past 15 years. Priorities and traditions may differ significantly. Yet ultimately, protecting Indigenous rights and practices is the utmost priority, prompting the execution of increasingly complex mobilization tactics, a term that I use to refer to a range of strategic responses pursued by Indigenous peoples to resist and/or negotiate industrial expansion in the oil sands region.

In northern Alberta, Indigenous peoples have mobilized in a variety of ways to promote Aboriginal and treaty rights and to enhance self-determination over their lands, as political scientist Slowey (2008) suggests of the Mikisew Cree at the turn of the new millennium. As Wanvik and Caine (2017) (geographer and sociologist, respectively) set forth, Indigenous peoples are strategically and pragmatically engaged in energy governance forums. The Mikisew Cree actively assert their inherent rights to govern their traditional lands, in accordance with

Treaty 8 (1899), Section 35 of the Canadian Constitution (1982), and the United Nations Declaration on the Rights of Indigenous Peoples (2007). This chapter explores the evolution of Mikisew's mobilization in the oil sands region through (1) their employment of diverse strategies, and (2) their representation in the epistemic communities (Haas 1992) overseeing energy governance in the oil sands. Contributing to my investigation of the evolution of energy governance in northern Alberta, this chapter highlights the strategies and processes by which Indigenous communities and their staff are attempting to disrupt traditionally closed spheres of energy governance in Alberta through political mobilization.

The Mikisew Cree and other nearby communities have been strategically resisting and negotiating extraction for decades (Longley 2015); they are not passive recipients, but active agents that are “navigating neoliberalism” (Slowey 2008) by negotiating industrial presence (Angell and Parkins 2011). My ethnographic data suggests that the primary avenues of mobilization pursued by the MCFN are: government consultation, industry negotiations, litigation, and advocacy.¹⁷ I attend to these changing strategies for negotiating energy extraction. This chapter pays particular attention to the lived experiences of staff working in consultation offices such as the GIR, which are representative hubs that engage on behalf of First Nations and Métis communities.

4.2 Emergent Indigenous Mobilization Strategies: Local Use and Perceptions

Strategies for enhancing self-determination are complex and dynamic (Slowey and Stefanick 2015). While past research on energy governance and mobilization patterns is informative, local accounts and perspectives on these mobilization tendencies have seldom been explicitly addressed (but see Gerbrandt 2015; Joly 2017; Wanvik and Caine 2017). This chapter responds to the need to study the strategies and motivations underlying the mobilization of Indigenous groups, as noted by environmental anthropologists Joly and Westman (2017: 27-29). My time in the field reinforced two key ideas regarding Mikisew's mobilization. First, these strategies are highly situational and context-dependent. Strategies vary widely depending on extant capabilities and conditions. Second, as an Indigenous manager at the GIR stated, “Without one of these

¹⁷ ‘Advocacy’ refers to outreach and education activities targeting decision-makers, external parties (e.g., NGOs), or the broader public on the impacts of extractive activities and related legislation and regulations in the oil sands region. This verges into the realm of lobbying as well, as communities ally or work unilaterally to call for action on legislation or regulations. For the sake of simplicity, unless informants specifically use the term lobbying, advocacy will be employed to refer to this direct action-based work.

[strategies], none of [the others] are really helpful” (FG-06, 21 August 2017). That is, these strategies are best operationalized in tandem, and are far from mutually exclusive. Jodi McNeill, a Policy Analyst at the Pembina Institute, noted that government consultation and advocacy work, for instance, are thoroughly interlinked (I-13, 13 August 2017). The GIR Director added to this sentiment, saying, “They can all be really equal [...] It all kind of plays into each other” (FG-01, 21 August 2017). Lacking the ability to say no to development, Indigenous peoples engage on many fronts to enhance their control and outcomes regarding extraction in the region.

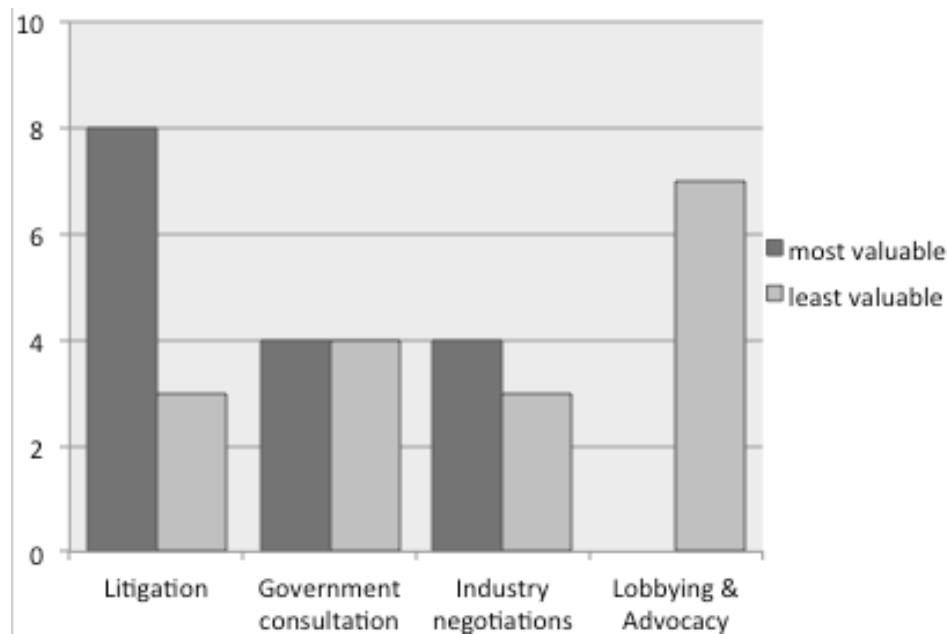


Figure 4.2. Informants’ perceptions of the relative value of Indigenous mobilization strategies. This chart depicts the views of participants (n=17) regarding the *most* and *least* valuable means of mobilizing to protect Indigenous rights and interests that are regularly employed in the oil sands region.

Previous research does not commonly explore the rationale underlying Indigenous mobilization strategies (litigation, government consultation, industry negotiations, and advocacy) (Wanvik and Caine 2017: 596). Figure 4.2 (above) depicts the results of a simplified pile sorting activity (J. J. Smith 1993; J. J. Smith and Borgatti 1997) that I conducted while completing interviews and a focus group in northern Alberta. My informants were individuals engaged in energy governance on behalf of government, industry, and Indigenous communities, as well as Mikisew members. While this pile sorting exercise should be repeated with a larger group of respondents in the future research to enhance its reliability, I will discuss my preliminary findings here. My informants perceive litigation (i.e., court injunctions, constitutional challenges,

and other means of operationalizing legal knowledge) to be the most valuable means of mobilizing to advance and protect Mikisew's rights. Perceptions of the utility of government consultation and industry negotiations are highly mixed and uneven. Advocacy is widely perceived among my informants to be of low utility. The following sub-sections expand upon these findings, contextualizing them with primary and secondary material. A note of caution is merited here; this preliminary investigation would benefit from further expansion due to the small sample size I have obtained (see Chapter Five), and the biases exhibited among respondents in favour of their own professional orientation.

4.2.1 Litigation: Advancing the duty to consult in the oil sands region

Eight of my informants¹⁸ recognized litigation as the most valuable strategy (Figure 4.2). “We wouldn’t be here without Supreme Court decisions,” Mikisew’s GIR Director asserted (FG-01, 21 August 2017). Litigation has resulted in two primary outcomes: Litigation has (1) advanced case law on the duty to consult, thus entrenching consultation as a central feature in oil sands governance (Laidlaw 2016b; Newman 2014b); and (2) led to the emergence of other state-community governance arrangements.

Representatives of the Mikisew Cree First Nation agreed that litigation is the most influential means of mobilization at their disposal:

It really is what is driving everything. It presents the greatest risk to industry and government, and when you present the greatest risk to their development, you get their attention. You get that seat at the table. [FG-06, 21 August 2017]

Indeed, historically, litigation has been a critical means of enhancing environmental oversight and consultation (Joly and Westman 2017; Longley 2015). The GIR’s Government Relations Manager explained that going to court enables First Nations to “raise the bar” in governmental processes (FG-03, 21 August 2017). That is, they strengthen the interpretation, and therefore the application, of the duty to consult. The Crown’s fiduciary duty to consult, which stems from constitutionally protected treaty and Aboriginal rights, incites state engagement with Indigenous peoples (Asch 2014; Newman 2014a). A Dene Regulatory Manager that has collaborated

¹⁸ The eight respondents were: Two Government Relations Coordinators (GIR Manager and Consultant), two Regulatory Coordinators, one Lawyer, one ENGO representative, one Member of Parliament (who is also a lawyer), and the GIR’s Director. If the two who have practiced law were removed from the sample, litigation would remain the most popular response, though its relative significance would decline slightly. This tendency points to the need to engage in broader sampling to account for professional biases among respondents.

extensively with the GIR explained the necessity of litigation in the region by saying, “If government was actually doing what it’s supposed to be doing – and they should be, they’re the managers, they should be on top – we shouldn’t have to force them legally” (FG-08, 6 August 2017). During my fieldwork, many informants bemoaned current tendencies to pursue legal challenges, arguing that litigation should constitute a last resort. At the same time, this diverse group of respondents – which included industry, government, and community representatives – also acknowledged litigation as a crucial strategy.

4.2.2 Government consultation & negotiation with industry

State-led consultation and review processes are cemented through legislation and Canadian jurisprudence. The state integrates the bulk of its Aboriginal consultation responsibilities within Environmental and Social Impact Assessments (EIA and SIA, respectively), which serve primarily to assess the potential environmental impacts of energy development. Some see these state-led consultation and review processes as a promising opening for social and institutional change (e.g., Bonds 2007). Yet as Crowley (2016) demonstrates in the case of the Joslyn North Mine, EIAs tend to downplay uncertainties, and the public hearing process does not provide sufficient space to debate ambiguities and risks related to individual projects and cumulative effects. The validity and reliability of these consultative regimes have been put into question (Baker and Westman 2018; O’Faircheallaigh 2007).

Within my sample, the only respondents who labelled government consultation as the most valuable means of mobilization were either officials or contractors hired by the federal government (two), or Mikisew councillors and members (two). Unlike the majority, these informants are hopeful that government is changing its tune, and “finally paying attention” to Indigenous voices, a Manager at the GIR reflected (FG-06, 21 August 2017). These findings highlight the need to amass a broader sample, in order to account for biases based on professional expertise. However, this tendency also speaks to the lack of faith in state-led processes documented elsewhere (e.g., Baker and Westman 2018).

Consultation processes are meant to correct power imbalances between communities and the state (Ritchie 2013: 400). Yet ethnographic research reinforces that the consultation process is “not working” for these First Nations, as Gerbrandt (2015: 7) notes of WCFN, whose members found their concerns (e.g., lingering smell of crude oil, emissions, respiratory difficulties) went unacknowledged by government and industry representatives. Ritchie (2013) highlights that

meaningful consultation is not guaranteed; the state is not obliged to fund First Nations to participate effectively, nor to reach agreements with communities (400).¹⁹ As a result, CEMA President and GIR Industry Relations Manager Dan Stuckless asserted, “Government looks at [consultation] as a box to check” (FG-02, 21 August 2017), emphasizing that it has yet to become a responsive, two-way dialogue. Thus, consultation and regulatory processes sideline Indigenous concerns and rights.

The ongoing evolution of consultation standards through Canadian jurisprudence has also led to the emergence of state-community arrangements. For instance, Mikisew levelled a legal challenge against Canada’s 2012 omnibus overhaul of environmental legislation (*Courtoreille v. Canada [Aboriginal Affairs and Northern Development]* 2014; Coyle 2016; Slowey and Stefanick 2015). While this case has recently gone to the Supreme Court of Canada for decision (Weber 2018a), the legal action has also resulted in the signing of a memorandum of understanding (MOU) between Canada’s Department of Justice and MCFN. This allows Mikisew to engage directly with various federal departments regarding the impacts of legislative proposals to their Aboriginal and treaty rights. MOUs have also been pursued between First Nations and the Alberta government to ensure consultation is undertaken in policymaking (M. Ross 2003). However these initiatives may not constitute cooperative management, as there is no actual power-sharing of decision-making (M. Ross 2003: 18). Indeed, First Nations’ and Métis’ representatives note in meetings that “MOUs have not worked in the past;” they fail to bind governments to their commitments, and lack enforceability (Meeting notes 7 June 2017; also see Zalik 2016).

When I inquired about government consultation in an interview with Member of Parliament Linda Duncan, she aptly responded, “Government consultation nowadays is industry consultation, right?” (I-07, 2 August 2017). Many informants reaffirmed that governance has shifted in the past couple of decades, as the government has devolved much of its regulatory and fiduciary consultation responsibilities to private firms (Gogal, Riegert, and Jamieson 2005; Jenkins 2004; Wanvik 2016). Wanvik (2016) refers to this trend as the emergence of “governance as corporate stakeholder management” in Alberta (519).

¹⁹ In *Haida* (2004), the Supreme Court held that “The Crown is not under a duty to reach an agreement; rather, the commitment is to a meaningful process of consultation in good faith.” This ruling clarifies that provincial and federal governments ultimately have the power to make decisions on land and resource use after consulting with Indigenous communities.

Industry-community negotiations may result in impact benefit agreements (IBAs) (O’Faircheallaigh 2007). Speaking to these agreements, a Regulatory Coordinator at the GIR discussed the tensions at play:

Nobody’s going to say no to the money, but at the same time, [MCFN] would be happy not to have it and just be able to go out on the land undisturbed, and to be able to hunt and fish and trap undisturbed. [I-05, 28 July 2018]

The coordinator felt that Mikisew is caught in a bind. MCFN does not have the ability to withhold consent for upcoming projects. Therefore it is left to negotiate to reap tangible benefits and leverage opportunities to enhance infrastructure. IBAs can offer financial capital, capacity building, and business and employment opportunities (Gogal, Riegert, and Jamieson 2005). A Cree GIR Manager asserted that today, these direct negotiations are “actually more comprehensive than a consultation process” (FG-06, 21 August 2017). One informant at the fore of negotiating such agreements added that IBAs have grown much more rigorous since 2010; beforehand, he noted, they had “no real money to them,” and had since become increasingly long term and binding (I-04, 25 July 2017). Today, these IBAs can bring in tens or hundreds of millions of dollars for each Indigenous group that will be demonstrably impacted by an impending oil sands project. IBAs’ financial values vary widely depending on a range of factors that includes the project’s size and proximity, projected impacts, and more. These agreements are usually not public knowledge.

Bilateral (industry-community) negotiations can be considered mutually beneficial. On the one hand, private firms are willing to engage in direct negotiations in order to protect their social license to operate (Gibson and O’Faircheallaigh 2010; Trebeck 2008). The law does not require such negotiations; they are pursued to combat investor uncertainty (Zalik 2016). To this end, IBAs commonly possess clauses barring First Nations and Métis signatories from stating direct opposition to a given project in the regulatory process. On the other hand, these negotiations enable signatories to share in the economic activity that is occurring (O’Faircheallaigh 2017). Shelley Larose, a Community and Indigenous Relations Representative with Imperial Oil, emphasized, “there’s lots of opportunity for collaboration in this space” (I-11, 16 August 2017). Larose explained that Imperial’s outreach work and engagement with Mikisew has fostered personal relationships and ultimately spurred many “community investments” (I-11,

16 August 2017). For instance, Imperial has funded literacy programs and outfitted Fort Chipewyan's schools' science and computer labs with modern technology.

Beyond corporate responsibility strategies and IBAs, significant revenue-sharing arrangements are also being explored. One such example is the recent joint acquisition of 49% interest of a Suncor Energy storage facility between Fort McKay First Nation and the Mikisew Cree First Nation, which constitutes a long-term revenue-sharing agreement with Suncor, a major oil sands developer (Bird 2017). Leaders say revenue from the deal, with a projected value of over half a billion dollars, will be used to fund programming such as Fort Chipewyan's Elders Care Centre (Bird 2017). As the Imperial Oil representative underscored, "Industry has things it can put on the table, where government has been fairly reluctant, at least in this region, to put anything on the table" (I-11, 16 August 2017).²⁰ This reasoning was shared among those who granted primacy to mobilization through industry negotiations; although their current positions differed, all four of these respondents had at some point in the past worked for industry or for Fort McKay First Nation, whose Sustainability Department arguably prioritizes the provision of socioeconomic benefits for its members (I-05, 28 July 2017). Direct negotiations with industry address project-specific concerns, my interviewees emphasized. "Government never consults anyone," suggested M.P. Linda Duncan; in actuality, it is project proponents who consult (I-07, 2 August 2017).

Mikisew's GIR staff recognized engagement with project proponents as a critical process. If industry funding were to run out, according to Mikisew leadership, the GIR would put all other forms of mobilization on hold. The GIR Director explained, "We would be so focused on trying to meet with industry to secure funding, and negotiating with them!" (FG-01, 21 August 2017). The GIR representatives in my focus group unanimously agreed that industry negotiations are a prerequisite for all of their work. Agreements with private firms provide critical funding to consultation offices (Urquhart 2010; Zalik 2016): The offices leverage industry dollars to hire regulatory and consultation experts, and thus foster organizational advancement, capacity, and expertise (Wanvik and Caine 2017). Evidently structural reliance upon industry financing is not only exhibited by the state. Community dependence upon the financial benefits accrued from industry negotiations is a point of concern (elsewhere noted by Parlee 2015; Zalik 2016). The

²⁰ Yet Slowey's (2008) research on Mikisew's TLE may indicate that this trend is not absolute. Moreover, securing substantial agreements with the federal government may empower First Nations in the area to better navigate neoliberalism.

GIR office relies upon industry dollars for survival, and then uses this support to combat the impacts of the very same institutions that fund them.

The redistribution of state responsibilities to non-state actors such as private firms (Berkes 2010) characterizes energy governance in Alberta. Slowey (2008: 15-16) suggests that by participating in the resulting neoliberal structures, MCFN may enhance its self-determination. However, corporate social responsibility practices (CSR) are unreliable in their assessment of social and environmental concerns (Jenkins and Yakovleva 2006), focusing more on disclosure and reputation than on the actual mitigation of extractive risks (Frynas 2005; Grégoire 2013). Concerns are mounting that collaborative arrangements with industry do not systematically address local needs (Hitch 2006; Taylor and Freidel 2011; Trebeck 2008; Wanvik 2016).

A Mikisew member and leader explained,

Negotiation with industry has not yet advanced cumulative and the more pressing issues. It hasn't gotten us a health study, it hasn't fixed LARP [Lower Athabasca Regional Plan], it hasn't, you know, reached really the big fundamental issues, but it's built the Elders Care Centre. It has helped in terms of giving the community some financial resources to help advance some of the community's interests. [FG-01, 21 August 2017]

While industry negotiations are a means of reducing or offsetting the impacts of extraction on Indigenous lands, as this informant suggests, evidently they do not suffice in protecting fundamental rights and interests. Moreover, these bilateral agreements are confidential and unregulated.²¹

4.2.3 Advocacy

Lack of faith in government- and industry-led processes has led Mikisew to embrace grassroots mobilization through direct action-based advocacy work. While advocacy can take many forms (such as public protests or international politicization), this strategy is pursued to increase public awareness and international oversight of oil sands extraction and its impacts to the environment and communities. The GIR's Industry Relations Manager explained the logic underlying advocacy work in saying, "the reality is that some industries – and some governments – respond to outside influences. And I don't think we've tapped into that potential yet" (FG-02,

²¹ In 2013, the Priority Project on Sustainable Resource Development noted that there were only two Impact Benefit Agreements on record in Alberta. Disclosure is not legally required in the province, although this may have changed under the proposed *Aboriginal Consultation Levy Act* (2013). The Act, however, was widely rejected by Indigenous communities due to lack of consultation by Alberta, and eventually repealed (The Canadian Press 2016).

21 August 2017). Fostering broad support validates local concerns, and can compel decision-makers to incorporate Indigenous perspectives into governance processes (Chambon, Schröer, and Schweppe 2012).

Advocacy and lobbying work are not widely pursued in the oil sands region. A lawyer for the GIR rationalized, “It’s not that many opportunities where you can really get a lot of traction with lobbying” (I-04, 25 July 2017). The GIR’s Government Relations Manager added, advocacy “comes and goes with the wind, it seems, and it’s just not something you can build on for long term” (FG-03, 21 August 2017). Examples of the purportedly rare use of advocacy and lobbying include Mikisew’s petition to UNESCO (addressed in the subsequent chapter), the Tar Sands Healing Walk (est. 2010) (Cardinal 2014), the Athabasca Chipewyan First Nation’s (ACFN) advocacy work with the Indigenous Environmental Network and various public figures (P. Smith 2015; Urquhart 2010), including celebrities such as Leonardo DiCaprio and Neil Young, as well as the Lubicon Lake Nation’s successful appeals to the United Nations Human Rights Committee in 1990 and 2006 regarding the violation of land rights (Laboucan-Massimo 2014). Due to the impacts of industrial activity on Lubicon’s culture and the natural environment, the Human Rights Committee found Canada in violation of the International Covenant on Civil and Political Rights. However, land claim negotiations are still ongoing. These cases demonstrate that fruitful appeals to international publics do not necessarily translate into domestic solutions.

Mikisew is inclined to engage in advocacy “[when working] through various consultation processes has gotten nowhere,” the First Nation’s legal counsel noted (I-04, 25 July 2017). Mikisew perceives grassroots organizing to be a means of increasing traction when consultation and regulatory avenues have failed to address Indigenous rights and concerns. Explaining the GIR’s motivating force, Gustafson noted,

Oftentimes, or at least with the UNESCO petition, what I’ve seen is that there’s more reaction by government when there has been the lobbying component than when you’ve tried to get them to do something through consultation. [I-04, 25 July 2017]

The relationships and networks fostered by advocacy are leveraged to raise awareness and media attention on the impacts of bitumen extraction in northern Alberta, which may offer profound possibilities to amplify Indigenous concerns. Advocacy and lobbying work can also pressure government and industry to uphold rights and meaningful engagement processes, as Jodi

McNeill of Pembina remarked (I-10, 13 August 2017). Fostering broad public support helps to legitimize resistance movements by increasing their visibility. The Director at the GIR reflected, “I think that’s how you make change – with society. And we really need society’s backing on a lot of the work that we do” (FG-01, 21 August 2017). As Kirsch’s (2014) work on transnational resistance against mining illustrates, alliances between non-profit organizations and Indigenous leaders can be critical when attempting to raise awareness about the impacts of industry on subsistence and the environment. Broader alliances appear to be especially significant when governments are reliant on resource rents (Kirsch 2014: 53). However, advocacy work is often contingent upon capacity and funding obtained through industry negotiations, informants at the GIR note (FG-05 and FG-06, 21 August 2017). Communities exhibit disparate inclinations and capabilities when considering direct action (Joly and Westman 2017: 26). The mobilization strategies explored above are highly situational.

4.3 Contemporary Mobilization: Process and Variability

4.3.1 Consultation offices: Community hubs and cultural brokers

While in the previous section I focused on the perception of mobilization activities in Alberta among my informants, this section speaks to the act of asserting and actualizing local control in energy governance processes. I do so by attending ethnographically to the dynamics at play among the consultation offices and staff charged with representing Indigenous peoples such as MCFN. Although a number of social scientists have mentioned their involvement in the region’s consultation offices in capacities as researchers and consultants (e.g., Baker 2016; Joly 2017), little has been written about these offices, which are central in strategic mobilization in the oil sands region.

Indigenous peoples’ “transformative competence” is nothing new (Wanvik and Caine 2017: 596). Yet in the last 15 years, consultation offices in the oil sands region – and especially those that are most heavily impacted by bitumen extraction, such as ACFN, MCFN, and Fort McKay First Nation – have built an increasingly high level of capacity (Urquhart 2010; Wanvik 2016). In the early 2000s, Mikisew leveraged financial earnings to establish the GIR and has since adopted “structured and process-oriented” approaches to engaging in energy governance (FG-03, 21 August 2017). Although, as Zalik (2016) underscores, capacity-building is enabled in large part by funds drawn from continued industrial presence in traditional territories.

Representing a community in consultation processes is a sizeable feat. The multiplicity of perspectives on energy extraction within Indigenous groups has long been recognized (Blaser, Feit, and McRae 2004). Consultation representatives must honour and communicate a diversity of views on oil sands extraction. In the GIR boardroom one afternoon, a non-Indigenous professional reflected on his role in the following manner:

I can't do my job unless I know who Mikisew people are. I don't know what they want; I don't know how they feel. I've got to hear those stories. I've got to listen to [the Mikisew member] on the boat; I've got to hear what his issues are. Then I've got to listen to someone else. Then I've got to listen to someone else. Then I've got to check with you [the GIR executives]. Then I've got to make sure I got the story – the context – right. And *then* I might advocate. I'm advocating, right? I'm not a decision-maker. I'm advocating for what I think people want. Then I check it. Then I go to leadership. Then we build something. [pers. comm. 21 August 2017]

This informant highlights how successful representatives are cultural brokers, or flexible and effective facilitators of cross-cultural interactions (Jang 2014). While in the field, I met representatives who could, with seeming ease, navigate both remote towns and metropolitan high-rises; they could speak to land-users comfortably on their traplines, and they could translate members' desires and lived experiences into policy recommendations. Acting as the intermediary between communities like MCFN and industry and government demands a unique interpretive skillset, Mikisew's Regulatory Coordinator explained,

I really do believe that engaging with the communities takes a unique skillset. It is something you can learn, but I think it's about who you really are as a person. I think community members really respond to that. They know when they're getting lip service as opposed to when somebody is very passionate about the issues. There's also conveying messaging: I think, you know, we and industry and government struggle to convey Western science concepts, and you know, high-level technical issues, to community members in a way that it really resonates with them. And I think that's a fine art. You just either have that skillset, or you don't. [I-05, 28 July 2017]

This utterance highlights the need to engage responsively with divergent audiences, as well as to communicate the regulatory and consultation jargon discussed in Chapter Three. Mikisew's representatives must engage in cultural code-switching (Morton 2013), or move between different linguistic registers and entire social contexts through cultural knowledge (Brannen and Thomas 2010). Staff relies on code-switching to translate the substance of legalistic consultation frameworks and engagement sessions for audiences of elders, land-users, and concerned members. The same representatives then attempt to present often deeply place-based concerns

about matters such as land planning and reclamation plans in a manner that makes them translatable into policy and regulatory frameworks. In effect, consultation staff endeavour to act as modern-day cultural brokers.

4.3.2 Going the distance? Representing impacted Indigenous communities from afar

An elected Mikisew council member explained that the GIR is meant to “bridge the gap” between the membership and government and industry (I-06, 29 July 2017). He explained that there is a divide between the membership focused in Fort Chipewyan, a remote fly-in hamlet, and their representatives in Fort McMurray. The councillor expanded,

They bridge the gap from us to government; it’s huge. We live a bush life, like I was saying to you, we still hunt and trap and fish. We continue our way of life, and we don’t want that to be impacted. That’s why we have the GIR in place: to handle our government and industry relations. [I-06, 29 July 2017]

With the help of steady industry funding (see Zalik 2016), the GIR’s geographical positioning at the nexus of the oil sands facilitates access to meetings in Fort McMurray itself, and direct flights to Calgary and Edmonton, where industry and government headquarters are typically situated.

Yet divides between consultation offices and those they represent can also pose problems. Some Mikisew members are suspicious that the GIR is “in it for the money themselves,” according to a young member (I-01, 15 June 2017). This individual explained, “The community doesn’t understand that the projects would be approved anyway. The government makes their own rules” (I-01, 15 June 2017). Increased exposure to the office led this Mikisew member to recognize the difficulties and structural hindrances faced by GIR staff, and consequently to reflect favourably on the office’s efforts.

The translation of such offices’ challenges and realities does not occur seamlessly with the membership. Indeed, even when offices are located within the membership base, as Gerbrandt (2015: 48) describes regarding the Woodland Cree First Nation, problems of organization and information dissemination can arise. In Ft. McMurray, GIR staff often try to mitigate the divide between themselves and the membership through outreach and engagement targeting crosscutting sectors of Mikisew’s membership. For example, the GIR hosts an annual summer retreat for elders, coordinates several events within Treaty Days targeted towards families and youth, and co-hosts an annual open roadshow with the Mikisew Group of Companies to update members on the office’s work. Mikisew’s GIR also regularly updates their

Facebook page with news and events that pertain to their day-to-day operations, and sends out hundreds of newsletters twice a year to an extensive mailing list that prioritizes elders and the GIR's partners. These outreach strategies attempt to lessen the divide between Mikisew membership and the office.

Mikisew would likely prefer to hire its own members – or other First Nations members – to staff the GIR. However, hiring workers from elsewhere is not uncommon due to the qualifications that such consultation positions often necessitate. External hires (i.e. non-Mikisew members) can make profound contributions to expanding local capacity (Wanvik and Caine 2017: 600); they can amplify the GIR team's ability to “cover themselves on many flanks,” or engage in all processes that merit or mandate Mikisew's input, which is a profound and enduring struggle (I-04, 25 July 2017). Yet as the aforementioned Mikisew member hinted when discussing members' suspicions of GIR offices, employees from elsewhere are affected differently – or minimally – by governance decisions than are members (I-01, 15 June 2017; Dokis 2015). Euro-Canadian consultation officers also inevitably have a different understanding of regional issues.

4.3.3 Common motivations, differing mobilization patterns

One informant, a seasoned manager in regulatory and consultation who has spent the last 15 years working for First Nations in the Regional Municipality of Wood Buffalo, explained that while Indigenous peoples do share common values and priorities, they do have different approaches to energy governance:

At the end of the day, all the communities, whether they're First Nation or Métis in the region, kind of have the same outcome or goals in mind. They want to be at the table, they want to protect their interests to the best of their ability, but they differ in [...] three different ways: the experience, the capacity, and the actual impacts on the community. [I-05, 28 July 2017]

Indigenous mobilization strategies are impacted by a variety of factors. Experience, capacity, and impacts – all of which are thoroughly intertwined – play into the mobilization that Indigenous peoples undertake in the oil sands region. The aforementioned informant explained,

Having worked for [X community] and being out in [Y community], it's a totally different experience [...] Each of the communities north, south, and kind of central around Fort McMurray differ in their impacts. [I-05, 28 July 2017]

Expanding further, the informant noted that First Nations from Fort Chipewyan and Fort McKay have built capacity “based on need” (I-05, 28 July 2017):

The communities in the south [...] were really kind of almost in their infancy of engaging on some of these projects [...] It was clear they were, you know, at least 10 years behind the other communities in knowing how to engage with industry on projects, knowing how to respond, knowing what the regulatory process is – knowing the systems, knowing the potential opportunities. [I-05, 28 July 2017]

Evidently, communities’ approaches to strategic political action differ significantly, in part due to divergent past experiences in governance processes.

The need to engage in consultation extends far beyond the vicinity of the Athabasca oil sands deposits. Reflecting on her fieldwork in the Peace River oil sands area (approximately 300 kilometres southwest from McMurray), Gerbrandt (2015: 119-120) underscores that longer term funding and training are needed to harness the necessary skills and capacity to meaningfully engage in consultation. There is also a divide between Métis and First Nations groups in the Athabasca region. Recognition of Métis rights to land and governance has come later than that of First Nations, although Métis negotiating power is rapidly increasing today (Wanvik and Caine 2017). Despite similar values and priorities, abilities to challenge economic activity that is incompatible with Indigenous rights vary greatly (Gerbrandt 2015; Joly and Westman 2017; Urquhart 2010).

4.4 Looking Forward: The Continued Transformation of Indigenous Mobilization

Informants sometimes raised an additional mobilization strategy of interest – that of “community-to-community” organization (I-07, 2 August 2017), or local alliances. A Dene Consultation Coordinator reflected,

I don’t think you can get all of Treaty 8 into it, because it’s too divided, but I think for our own region, that there’s that real opportunity to band together and to address issues that way. I think that there are completely solutions to work forward. [I-08 6 August 2017]

Informants commonly drew strength from the idea of allying together and uniting to find workable solutions to address the power imbalances that arise in regard to energy governance, as well as ensuing impacts. GIR Director Melody Lepine offered an example, saying,

I look back at when the five nations did a press release in withdrawing our participation in JOSM [Joint Oil Sands Monitoring program], about three years ago... That was so powerful. We actually got Canada and Alberta to go back and say, 'Holy shit, we dropped the ball here. We gotta change the way monitoring occurs...' I mean, here we are so many years later, but that unity [...] is powerful. [FG-01, 21 August 2017]

As Melody's example illustrates, some informants feel that the tide can turn in favour of Indigenous peoples when they collaborate to protect their rights and interests. Despite countless assertions that Indigenous peoples are at a clear disadvantage in consultation processes, certain informants did express a sense of hope when looking to the future.

4.5 Conclusion

As I elucidated in Chapter Three, extraction in Alberta is governed through conventionally closed political and social spaces. Indigenous peoples' disruption of these traditionally exclusive governance circles may enhance the protection of their rights and interests. This chapter explored four primary means by which Indigenous peoples mobilize in the oil sands region: litigation, government consultation, industry negotiation processes, and advocacy. I highlighted previous research on Indigenous experiences regarding energy governance in the oil sands region in tandem with my primary findings, in order to reflect upon changing trends in mobilization, and perspectives on these strategies' differential viability for advancing Indigenous interests. Divergences of opinion exist, as no single strategy is evidently a stand-alone solution. While my respondents offered particular attention to litigation, interviewees also asserted that the gains harnessed through industry negotiations underpin other forms of mobilization. The aforementioned strategies in the oil sands region are highly flexible, contextually dependent, and interrelated.

Consultation offices, such as Mikisew's GIR, aim to defend Indigenous interests and rights in negotiating energy development. This chapter shed light on the challenges posed by the role of regulatory and consultation staff in representing the needs and perspectives of the First Nation citizens that they serve. This section also explored the divergent mobilization patterns pursued by these offices, presenting several factors that may influence these strategic choices, including divergences in leadership, capacity, and impacts. This immersive research would merit

repetition with a larger group of respondents, and through longer-term fieldwork than a master's degree can typically afford. Ultimately, like other Indigenous communities in the region, Mikisew and its representatives continue to explore and refine mobilization strategies to protect Aboriginal and treaty rights.

Chapter Five: Politicking Internationally: Mikisew at the World Heritage Committee

5.1 Introduction

The lobby was bustling with smartly dressed delegates, politicians, media crews, NGO representatives, and UNESCO staff. It was just after 1 p.m. on July 5th, 2017 at the 41st World Heritage Committee meeting. The midday sun was cascading across the polished floors and bright surfaces of the Krakow Convention Centre as the Canadian delegation approached us. A Canadian official began by asking bluntly, “Who do you think you are?” and admonished the handful of Mikisew Cree representatives for lobbying in Poland at the World Heritage Committee meeting. A few minutes of dialogue unfolded, the tension palpable across opposing sides of the table that separated us. Five of us had ventured overseas as the Mikisew Cree looked to promote the protection of Wood Buffalo National Park, Canada’s largest World Heritage Site. Later, GIR Director and Mikisew member Melody Lepine alluded to the turbulent political experiences at the World Heritage Committee meeting, stating with dismay, “Canada makes promises in public and then works against Indigenous peoples in private” (Nation Talk 2017). While the Canadian government outwardly champions reconciliation and environmental sustainability, tensions can emerge when Indigenous peoples promote the same ideals through advocacy.

In 2017, my ethnographic fieldwork took me to Krakow, where Mikisew continued advocating as the committee ruled on the condition of Wood Buffalo and made recommendations for remedial action. This chapter assesses the underlying strategies and potential outcomes of international advocacy for MCFN. In Chapter Four, my informants identified lobbying and advocacy as the potentially least important form of political mobilization available to Indigenous communities in the oil sands region. Yet as will be explored here, although informants may not perceive advocacy as a viable long-term strategy for protecting communities’ rights and interests, some consultation offices such as the GIR are deploying a great deal of time and money into advocacy work to advance their aims. This chapter contributes to my investigation of the evolution of energy governance in Alberta by exploring Mikisew’s turn to the international community to facilitate recourse when the First Nation felt ongoing governance processes had failed.

The Mikisew Cree First Nation initiated a petition to UNESCO in 2014, calling for the World Heritage Committee to place Wood Buffalo on the “World Heritage in Danger List,” due

to the environmental degradation witnessed in the park by the Mikisew members in recent decades. In the past few years, by garnering the continued attention and support of World Heritage Committee members and sympathetic professionals at the World Heritage Centre and its advisory bodies, the Mikisew Cree have been able to level a challenge at Canada's management of the park. The UNESCO petition contests Canada's commitment to environmental protection and reconciliation in the international public sphere. It thus constitutes an attempt at overturning the primacy of the Canadian state in managing its lands. Indeed, the advancement of the petition implicitly threw into question the sole sovereignty of the modern nation-state.

5.2 The Impetus for an Appeal to UNESCO

5.2.1 UNESCO Site #256: Wood Buffalo National Park



Figure 5.1: Map of Wood Buffalo National Park [map]. Parks Canada, n.d.. Scale not given. In “Plan Your Visit.” <http://www.pc.gc.ca/en/pn-np/nt/woodbuffalo/visit/visit7/visit8>

Wood Buffalo National Park (Figure 5.1) was founded in 1922, and established as UNESCO Site #256 in 1983. Wood Buffalo was the seventh site to receive the distinction in Canada (UNESCO

n.d.). The park was recognized for its properties of Outstanding Universal Value (OUV): the sole breeding habitat in the world for the endangered whooping crane; the only place in which the predator-prey relationship between wolves and wood bison has been unbroken over time; and the home to superlative natural phenomena such as salt plains, gypsum karst, and the world's largest inland delta (the Peace-Athabasca Delta, or PAD) (World Heritage Centre and IUCN 2017).

I explored Wood Buffalo and the PAD in early August 2017, first while traveling with GIR colleagues from Fort Chipewyan to Fort Smith (NWT) for a conference on water conservation. I was in awe of the lush greenery, the quiet calm of the PAD, and the way in which Mikisew land users navigated the meandering webs of waterways with utter ease. Without the expert eyes of Cree friends, I would have missed the black bear, lynx, herons, cranes, and grouse that a keen observer could spy as we made our way through the terrain of Wood Buffalo National Park and the PAD. The wood bison (*Bison bison athabascaae*) could not be missed, as they are the largest land mammals in North America. During my second (August) visit to the park, I traveled through the PAD alongside Parks Canada employees and independent consultants during an engagement session organized to inform the Strategic Environmental Assessment being conducted for the park, at the request of the World Heritage Committee. The visiting government representatives confirmed my earlier impression, remarking that the beauty and serenity of Wood Buffalo leave an indelible impact upon those who experience the park firsthand.

Canada established Wood Buffalo as a national park in 1922, in large part to protect the region's wood bison, which were at the brink of extinction by the turn of the century, and to shield nearby Indigenous populations from competition with outside trappers (McCormack 1992: 369). While the park received UNESCO designation as a natural site,²² Chipewyan and Cree presence in present-day Wood Buffalo National Park and the surrounding area has been recorded since contact (J. G. E. Smith 1987: 438). Eleven Indigenous populations in total – 6 First Nations and 5 Métis groups – have made distinct claims to occupy and exercise traditional rights on park lands. Treaty 8 nations such as Mikisew have been the only peoples entitled to hunt and trap in

²² The inscription of Wood Buffalo National Park on the World Heritage List occurred prior to the committee's recognition of mixed properties, or sites selected in recognition of their exceptional cultural *and* natural heritage. Various members of the World Heritage Committee's advisory bodies note that if Wood Buffalo were to be nominated today, it would have likely been classified as a mixed site (pers. comm. 30 June 2017). The classification of sites affects the scope of their management and oversight.

the park (McCormack 1992; *Mikisew Cree* 2005). Historic analysis sets forth that the Mikisew Cree have long relied on villages and traplines within the current bounds of the park (Appendix A; Candler 2012; McCormack 1989; 2010), which falls within Treaty 8 land. Fort Chipewyan is adjacent to the park, and Peace Point, one of the reserves Mikisew obtained through the Treaty Land Entitlement (1986), is located inside the park. The Supreme Court of Canada has reaffirmed Mikisew's rights and title interests to areas of the park (*Mikisew Cree* 2005). Cree, Chipewyan, and Métis land use and history is deeply intertwined with Wood Buffalo, long preceding its designation as a national park and UNESCO site.

5.2.2 Domestic context

The water and lands surrounding Fort Chipewyan are a central part of their culture, Mikisew members reaffirmed through the course of my fieldwork. The aftershocks of intensive extraction have long accumulated downstream throughout Mikisew's traditional lands and waters, arguably contrary to treaty obligations, and despite articulated concerns over environmental costs and the constitutional protection of Aboriginal and treaty rights. Treaty 8 (1899) offered assurances to protect Mikisew's way of life and livelihood within its traditional territory, much of which overlaps with park boundaries. More recently, Mikisew's Treaty Land Entitlement Agreement (1986: 6) set out that Canada would correct anthropogenic changes to the PAD's water regime. Yet the Mikisew Cree have felt heavy social, environmental, and cultural impacts of industrial activity upstream and anthropogenic climate change upon their traditional lands and waterways (McLachlan 2014).

At 44,807 square kilometres, Wood Buffalo is the largest national park in Canada. Yet few Canadians visit the park, and most guests are from its surrounding area. In 2016-17, Wood Buffalo National Park hosted 3,340 visitors (Parks Canada 2017a): Although there were 7% more visitors than in the previous year, in 2016-17, Wood Buffalo hosted just 0.02% of recorded visitors across all national parks, park reserves, and marine conservation areas in Canada. The broader Canadian public overlooks Wood Buffalo, likely because of its relative remoteness. Widespread public ignorance regarding issues plaguing the site helped spur Mikisew to refocus its efforts for assistance abroad rather than domestically.



Figure 5.2: Melody Lepine addresses World Heritage Watch. (Photo by author, 30 June 2017)

At World Heritage Watch, a pre-UNESCO conference in Krakow, GIR Director Melody Lepine told NGOs and other Indigenous representatives of the major threats to Wood Buffalo National Park (Figure 5.2): The Park and the PAD are rapidly deteriorating due to upstream industrial activities (namely bitumen extraction, municipal and agricultural presence; uranium and mineral exploration and extraction, and hydroelectric damming [see Government of Alberta 1996]); climate change; long-term underinvestment in park management and staffing; and governance deficiencies (poor land-use planning, neglect of the cumulative effects of industrial expansion, and the dismantling of environmental legislation). The park faces a number of immediate threats, the World Heritage Centre and the International Union for the Conservation of Nature (IUCN) (2017) confirm. The park's ecosystems have been under increasing stress since the 1960s, when upstream damming – namely the Bennett Dam, which opened in 1968 – began altering its hydrology (Carbyn et al. 1989; Indian Claims Commission 1998; McCormack 1984). The PAD has been particularly impacted, due to its complex water recharge mechanisms (Beltaos et al. 2006; Peters et al. 2006).²³ Mikisew felt it had exhausted all domestic avenues to protect the Park, in light of decades of inaction.

²³ Hydrologist and geomorphologist Carver (2013; 2014) asserts that the forthcoming Site C Dam will likely add to this pressure.

5.3 Thinking Internationally: Indigenous Mobilization Beyond Northern Alberta

5.3.1 Indigenous mobilization in the oil sands region

A Mikisew member noted that the regulatory system is “so broken and so flawed it does nothing to meet [their] community’s interests” (FG-01, 21 August 2017). Indeed, a growing body of research documents the tokenistic implementation of state-led governance processes (Ritchie 2013), which leaves First Nations and Métis peoples feeling powerless (Baker and Westman 2018), and limits public participation (Bowness and Hudson 2014; O’Faircheallaigh 2010). As Chapter Four elaborated, Indigenous mobilization is thoroughly impacted by the relegation of governance duties to proponents in the oil sands region (Joly and Westman 2017; Wanvik 2016). Facing structural barriers to meaningful engagement and consultation in governance processes (McCormack 2016), Indigenous peoples are taking strategic and pragmatic approaches to protect their rights (Wanvik and Caine 2017). Groups such as Mikisew are persuaded to investigate novel strategies to enhance the oversight of extraction on traditional lands. Yet ethnographic investigation into such work remains limited.

5.3.2 Going international: Broadening networks of cooperation

Public acknowledgment of and political commitments to Indigenous rights are increasing (TRC 2015). Growing global recognition predicates and encourages international advocacy work. Indigenous groups tend to turn to global audiences for support when they feel their rights and values are not, and cannot, be protected through domestic structures (Niezen and Sapignoli 2017).²⁴ New forms of resistance that attempt to capitalize on the power of shame are emerging in the face of complex social problems like environmental degradation and Indigenous rights. Indigenous peoples are actively adopting new strategies of resistance by expanding their strategies to international networks with potentially greater implications for state power (P. Smith 2015). Niezen (2003: 186) notes that the “politics of shame” are gaining prominence in spheres such as the UN Working Group on Indigenous Populations, as groups re-appropriate the discursive trends tied to Indigenous rights and reconciliation that are being increasingly adopted by nation-states. Indigenous peoples highlight the divide between words and action, in hopes of advancing reconciliation and rights recognition. Such resistance strategies provide powerful framing for understanding Mikisew’s work at UNESCO.

²⁴ In the Canadian context, this is exemplified by the work of the James Bay Cree in the 1980s at the World Health Organization and the United Nations (Niezen 2003), as well as that of the Lubicon Cree in the 1990s at the Human Rights Committee and beyond (Laboucan-Massimo 2014).

5.3.3 Social research in world heritage forums

UNESCO and the implementation of the World Heritage Convention are often investigated through the lens of heritage studies, while ethnographic investigation into the governance of world heritage is in its nascence. Heritage studies offer a comprehensive review of UNESCO's evolution over time, highlighting its contributions to capacity building and the conservation of heritage worldwide (Cameron 2015). Notably, analyses of notions of culture and value within the world heritage system have also emerged (Aplin 2007; Eriksen 2001; Rössler 2006). In recent years, anthropologists posit that the implementation of the World Heritage Convention is increasingly politicized (Bjerregaard and Nielsen 2014; Brumann 2012; Meskell 2015). Critical ethnographic approaches demonstrate that world heritage proceedings are driven by state interests; Social anthropologist Brumann (2014) notes that representatives on the World Heritage Committee, made up of a rotating membership of 21 countries, are largely no longer heritage experts but career diplomats. Increasingly, the literature has begun to address the exclusion of Indigenous peoples from discussions and structures overseeing world heritage (Meskell 2013b), as well as Indigenous experiences of site designations (e.g., Scholze 2008). Yet Indigenous engagement in committee meetings, which can aim to enhance oversight into site management, has seldom been assessed. My chapter adds to this emerging body of ethnographic research by attending to Mikisew's experience petitioning UNESCO.

5.4 Rallying at UNESCO

UNESCO adopted the Convention Concerning the Protection of World Cultural and Natural Heritage in 1972. The World Heritage Convention is one of the few international treaties that apply global responsibility to sovereign national territories (Brumann 2014). Canada accepted the World Heritage Convention in 1976. As of 2017, there are 1073 sites inscribed on the World Heritage List.

Mikisew filed a petition to the World Heritage Committee in December 2014, mindful that international recognition of the threats endangering Wood Buffalo could spur further oversight and the establishment of a comprehensive corrective program. In the field, I learnt that the main motivating factor that compelled Mikisew to petition UNESCO for an in-danger listing for Wood Buffalo National Park was the proposed Teck Frontier oil sands mine (Fieldnotes 11 June 2017). The petition prompted UNESCO and the IUCN to send a joint mission of world-renowned scientists to monitor Wood Buffalo in September 2016. The mission report was

published in early 2017. The experts agreed with all of Mikisew's concerns, and established 17 recommendations for Canada, in order to address the deterioration of the Outstanding Universal Value of Wood Buffalo National Park (World Heritage Centre and IUCN 2017).

Mikisew continued to engage with the World Heritage Centre, advisory bodies, and committee members between meetings. The GIR sent representatives to the 39th meeting in Bonn, Germany, in 2015. The GIR's legal counsel and director went to Paris, France, in May 2017 to engage in advance lobbying and to rally support before the 41st session.

5.4.1 Advocacy at the 41st World Heritage Committee meeting

In June 2017, the World Heritage Centre released the draft decision on Wood Buffalo in the lead-up to the 41st committee meeting (UNESCO 2017). Alongside staff at the Mikisew GIR and allying organizations, I pored over the drafts. The decision (41 COM 7B.2, herein referred to as the Krakow decision) maintained earlier statements made by the committee: It reaffirmed the Bonn decision (39 COM 7B.18) (UNESCO 2015), which called for Canada to, among other things, make no irreversible decisions that may impact the park prior to a full strategic environmental assessment of the cumulative effects of industrial activity on the park's OUV.²⁵ The draft decision also requested that Canada allocate adequate means for an action plan; fully implement all recommendations from the Reactive Monitoring Mission (World Heritage Centre and IUCN 2017); and more. Canada was asked to submit formal progress reports to UNESCO in February and December of 2018.

While Mikisew's GIR was relatively pleased with the draft decision, their representatives attended the World Heritage Committee meeting in Poland to advocate for the park. They pushed for amendments to the draft decision, in order to adopt tighter timelines for action, and more robust mechanisms to ensure the protection of the PAD. At the same time, they aimed to ensure Canada did not convince committee members that concerns over Wood Buffalo were already being managed, which would weaken the committee's recommendations. I was invited to accompany Mikisew to the meeting, in large part due to my immersion in the UNESCO file since arriving in Fort McMurray. I gratefully accepted the invitation and accompanied the GIR's

²⁵ The Strategic Environmental Assessment for Wood Buffalo National Park was released in May 2018. "Desired outcomes for the world heritage values are not being met," according to the report, whose ties into future decision-making are not yet certain (Weber 2018b).

Director and Manager of Government Relations, as well as two campaign managers with several decades of experience in environmental advocacy.²⁶

We landed in Poland on the 29th of June. Several days prior to the opening ceremonies, the Mikisew team began reaching out to committee members, as well as contacts and allies at the World Heritage Centre and the IUCN. Much as anthropologist Schia (2013) discovered while working at the UN Security Council, I found that some of the more important conversations at UNESCO occur outside the actual recorded proceedings (Figure 5.3, below). Delegations convened over coffee; NGO activists and lobbyists waited by the hall doors to engage with decision-makers; alliances and strategies were born *outside* the ongoing sessions. Mikisew representatives campaigned over the course of a week prior to the decision on WBNP, from dawn to dusk. I made myself useful by providing support to the Mikisew team, editing and translating documents as necessary, and acting as translator during conversations with World Heritage Committee members who spoke French and Spanish.



Figure 5.3: The lobby of the Krakow Convention Centre, a bustling hub for politicking and planning. (Photo by author, 3 July 2017)

The Mikisew delegation clashed with Canadian officials in Krakow, as the chapter's opening scene illustrates. Mikisew perceived Canada to be campaigning just as hard to lessen the power of the Wood Buffalo decision as they themselves were campaigning to strengthen it.

²⁶ My attendance was enabled by the financial support of the Mikisew GIR and the University of Saskatchewan.

Dramatic lobbying characterized by combative interactions and calls back home to respective principals ensued in the lead-up to the official decision on Wood Buffalo. Ultimately, the resolution passed as it had been originally drafted. In the days following July 5th, Mikisew representatives in Krakow commented that they'd been made to feel like a child that had embarrassed their parents by acting distastefully in public. A Campaign Manager hired by Mikisew for the World Heritage Committee meeting reflected on the incident, saying,

When you get attitudes like that on full display to you, it beggars belief, really [...] It's really so offensive. I don't expect that from bureaucrats to Indigenous people. It's beyond old fashioned. It demonstrates, fundamentally, things haven't changed. Basically, [Indigenous people] are problems to be managed. [I-02, 7 July 2017]

Mikisew representatives in Poland highlighted the paternalistic undercurrents of their interactions with the Canadian delegation, which only grew starker as the decision approached, and it became apparent that Canada had the upper hand politically.

5.4.2 Rallying different audiences through divergent messaging

Mikisew overtly employed the politics of shame (Niezen 2003) to force action on the environmental issues plaguing Wood Buffalo. Speaking of the possible repercussions of listing the Park as "In Danger," Lepine told the CBC, "I think it would be a huge embarrassment to Canada — showing the committee and the world they can't manage a site, they can't take care of a site," (Riebe 2017). Mikisew projected members' concerns upon a world stage by calling into question Canada's management of its most treasured assets. In doing so, Mikisew capitalized upon, and further exposed, Canada's vulnerability regarding its reputation overseas. At UNESCO, Mikisew focused its key messages upon the need to protect world heritage and foster environmental conservation. Since initially filing the petition to UNESCO, the Mikisew Cree have articulated their concerns in terms of the OUV of the park itself, as follows:

For generations, the rich lands and waters of the Peace-Athabasca Delta have been a cultural homeland that supports our way of life, and a uniquely Mikisew relationship to the environment [...] Over hundreds of years, our relationship to the delta has shaped us, and we have helped shape it through actively managing the flow of water within our lands. [MCFN 2016: 6]

Mikisew draws explicit links between themselves and the maintenance of a healthy park. Melody Lepine's address to the World Heritage Committee in the wake of the Krakow decision in Poland exhibited similar messaging. She pressed,

...As the original petitioners to the committee, the Mikisew Cree will continue to fight for the ecological viability of the world's largest freshwater delta. We are committed to the protection of the outstanding universal value of this world-renowned site, as the Convention requires. Moving forward, we require the committee's strong support in holding Canada accountable to protecting Wood Buffalo National Park.

While campaigning internationally, concerns about the land and the water were articulated in terms of ecological integrity and OUV, the rationale underlying the site's initial recognition. The reframing of Mikisew's plea for assistance is evident in these passages: The First Nation's UNESCO appeal seized the central discourses and values espoused by the World Heritage Centre, advisory bodies, and committee members in order to enhance the validity of its call for meaningful change, and render its concerns amenable to the scope of the Convention.

Mikisew's public relations efforts focused on the seeming disjunction between the federal government's messaging and its actions. While on the phone with federal authorities and ministerial staff in Ottawa, Mikisew executives discussed reconciliation and the constitutional protection of their treaty rights as major points of concern. In doing so, Mikisew rallied around interests that have been central to the incumbent federal government mandates.

Mikisew also capitalized on the timing of Canada's 150th anniversary in 2017 – which brought free admission to all national parks – to emphasize the seeming contradictions in national priorities. Speaking to the Canadian Parks and Wilderness Society, Lepine noted,

It says a lot about Canada's relationship with Mikisew and other Indigenous communities that we spent Canada's 150th anniversary in Europe seeing Canada resist efforts to save a World Heritage Site. [CPAWS 2017]

While national parks featured as a central point of celebration during Canada's 150th anniversary, Mikisew was in Europe fighting for the park that they had stewarded since long before its formal establishment as a protected area (MCFN 2014). Mikisew's executives emphasized Canadian attachment to national parks in order to highlight the incongruity posed by federal inaction in regard to Wood Buffalo.

Additionally, Mikisew was also able to tie the UNESCO work into relevant domestic debates to raise awareness about the plight of the park. For instance, media attention targeting British Columbia audiences highlighted the inclusion of the contentious Site C Dam in UNESCO's decisions (e.g., Ball 2017; Pynn 2017). Stressing UN scrutiny over the dam has been a point of leverage for Mikisew to raise the profile of the UNESCO work: "Now, with the Site C,

the entire unique ecosystem is at risk — there’s a fear we may no longer have the world’s largest freshwater delta at all,” Lepine highlighted in an interview with Vancouver’s *Metro News* (Ball 2017). Site C has now been approved for construction, a decision Lepine admonished as a “reconciliation fail” (Kurjata 2017). Correspondence and engagement between Mikisew and Canadian publics during and since the Poland meeting have centred upon connecting the UNESCO advocacy to issues at the forefront of domestic politics.

The GIR’s endeavours to highlight the UNESCO intervention with allies, as well as in public submissions and communications, have spurred additional focus on Wood Buffalo National Park in the House of Commons (Duncan 2016; 2017; Rabson 2017; Stetski 2016; 2017). Mikisew’s increasing experience politicking has resulted in the selective application of diverse discursive tools, in order to mobilize politics of shame and to force meaningful action and intervention on the part of Canada.

5.4.3 Advocacy at UNESCO: Opportunities and challenges

Given that decision-making at UNESCO is vulnerable to politics (Brumann 2014), advocacy work has provided the Mikisew Cree First Nation with a number of major opportunities. International attention has helped raise the profile of Mikisew’s struggles both within and beyond Canadian borders. The UNESCO petition authenticates the First Nation’s perspective and furthers its standing as a key stakeholder in the park: Following the IUCN’s Reactive Monitoring Mission, Canada could no longer ignore Mikisew’s concerns on the declining ecological health of Wood Buffalo, as the Mission Report (World Heritage Centre and IUCN 2017) recognized these concerns as well-founded. Engaging in the high-profile forum provided by UNESCO enables Mikisew to capitalize on the prestige of the UN body and its expansive sphere of influence. Ultimately, mobilization at UNESCO increases awareness of the importance of the region’s environmental protection, and reinforces the central role Mikisew seeks in related interventions.

However, UNESCO-based advocacy also poses unique challenges, as the implementation of the World Heritage Convention occurs in traditionally closed diplomatic spaces (Brumann 2015). First, the World Heritage Committee structure deters public engagement. For instance, Indigenous groups and non-profit organizations are offered the opportunity to speak only following decisions. Such structural impediments to non-state engagement mean that the groups are restricted to expressing themselves by making passionate, rushed two-minute monologues, or

through behind-the-scenes campaigning with committee members, which is the voting bloc central to the World Heritage structure. Second, state actors dominate the management of world heritage. World Heritage Committee meetings are highly vulnerable to national political considerations. As Brumann (2014) and Meskell (2013a) document, states lobby and rally together to fulfill national wishes that run counter to the recommendations of the World Heritage Committee's advisory bodies, which are the IUCN, the International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM), and the International Council on Monuments and Sites (ICOMOS). While the World Heritage Convention implies supranational responsibility for world heritage, the inclination of UN bodies overseeing heritage conservation is to trust member states (Brumann 2014). As such, direct oversight of states' processes is limited. Committee members are thus reluctant to respond to lobbying and narratives that set into question other states' conservation practices (Meskell 2013a). Overall, sustained UN attention may be lacking regarding the concerns of Indigenous communities.

5.5 The Decision: A Final Verdict, and Immediate Responses



Figure 5.4: Melody Lepine addresses the World Heritage Committee after a decision is taken on Wood Buffalo National Park. (Photo by anonymous member of foreign press, 5 July 2017)

Following nearly a week of intense campaigning in Poland, Wood Buffalo's case arose on the committee meeting agenda. Wood Buffalo was addressed alongside handful of verdicts prior to the more contentious case of Białowieża Forest in Poland, Europe's last primary forest (BBC News 2017). The verdicts were passed in one fell swoop just prior to the committee's lunch break on July 5th, 2017. While Mikisew had hoped to open the Krakow decision to add an emphasis on water governance and tighten Canada's reporting timelines, the team was ultimately unable to open the decision for discussion on the committee floor.

At 12:55 p.m., Melody Lepine rose to address the World Heritage Committee following the decision (Figure 5.4):

[...] After 30 years of Canadian inaction on the pervasive problems in Wood Buffalo, we felt it was critical to have as strong a decision as possible. Unfortunately, Canada has demonstrated great resistance to making even the most modest alterations to this decision.

Constructive attempts at dialogue and resolution with Canada, aimed at strengthening the decision, have been entirely dismissed. In fact, we were shocked yesterday at the utter dismissal of the Mikisew's concerns. We do not believe Canada's claim that they are committed to a genuine partnership and have yet to see any actions from Canada to demonstrate it will protect Wood Buffalo in the manner required by the Convention. It has now been 11,000 days since Canada told us they would fix the Delta; it has been over 10 years since [Canada] said they would look into our community's health concerns. Our community is not convinced that Canada is acting in good faith. [...]

Moreover, to the Mikisew Cree First Nation, the park is already in danger – our health, quality of life and the ecological integrity of our delta, is diminished due to increasing water loss, contamination, and the prioritization of industrial development over local wellbeing [...]

Lepine articulated the First Nation's frustration with Canada. She hinted at the political campaigning Mikisew had been doing with committee members, while focusing on the most pressing matter: Federal inaction in the face of impending ecological collapse. MCFN's response highlighted the logic underlying their resorting to advocacy overseas, as they made an appeal for sustained engagement from the oversight body. Mikisew representatives were disappointed that they could not have the committee's decision reinforced. Yet they recognized that the committee's decision still constituted a powerful lever to pursue conservation initiatives back in Canada, as it prescribes a range of corrective actions and further research initiatives to improve ecological conditions within Wood Buffalo National Park.

UN forums prioritize member states; other entities struggle to play a prominent role in managing world heritage (Brumann 2015: 274; Meskell 2013b). Indigenous mobilization is even

more challenging when groups with differing priorities take to such forums. The result may be a weakening of each individual claim. This was the situation in Krakow, when representatives from the Northwest Territory Métis Nation also attended the committee meeting. The Métis Nation representatives capitalized on Wood Buffalo's discussion abroad, as Mikisew has, to advocate for their rights. The Métis Nation also addressed UNESCO after they took a decision on Wood Buffalo. Their address articulated the complex, conflict-riddled history of the park. As McCormack (1984) documents, Métis peoples were excluded from the park soon after its opening. This exclusion continues to be a major source of grievance and contention. The Métis Nation also expressed support for the Committee decision to offer Canada one last chance to take remedial action in park management, deviating significantly from Mikisew's stance that the decision was not strong enough. Subsequently, World Heritage Committee delegates expressed confusion over the context in Wood Buffalo. The split in messaging also destabilized the centrality that Mikisew had been trying to harness as rights-holders; Mikisew representatives worried that the special position they had attempted to cultivate as petitioner to UNESCO was compromised.²⁷ Mikisew's ability to speak authoritatively at the proceedings was visibly weakened.

Evidently, this occurrence reinforces the need to ally domestically and work collaboratively with other Indigenous peoples, as discussed in Chapter Four. Uniting the 11 Indigenous groups surrounding Wood Buffalo is critical in hopes of rallying sustained international support for the park. One would imagine that a well-resourced First Nation like Mikisew would be well positioned to lead such collaboration. Failing to engage with neighbouring communities potentially undermines Mikisew's ability to advocate effectively. Operating alone thus runs contrary to MCFN's stated aim to conserve Wood Buffalo National Park.

²⁷ This concern was reaffirmed in debrief meetings with Mikisew's campaign team. My notes read, "...Building a more formalized and overt coalition with the other park-based Indigenous groups would be helpful, as it would strengthen local decision-making, help counter [...] the government's 'divide and conquer' strategies, and undermine attempts to confuse the committee regarding Indigenous perspectives and priorities for Wood Buffalo" (Fieldnotes 7 July 2017). Mikisew's team recognized that working unilaterally (i.e. without allying with nearby Indigenous communities) weakened their chances at successful international campaigning.

5.5.1 Outcomes of advocacy: Reflecting on the decision

In response to the verdict on July 5, Canada's Environment Minister immediately issued a press release that welcomed the Krakow decision and mentioned the need to engage in capacity building with Indigenous peoples to ensure the park's protection (Parks Canada, 2017b). Mikisew representatives in Poland were floored, calling the response "patronizing and cheap" (Fieldnotes 5 July 2017). In Mikisew's view, the federal response discounted the tremendous capacity that was required to garner international attention and successfully level a challenge against Canada within the UN system. Following the committee meeting, Mikisew continues to work with NGO partners to garner media attention (e.g., CBC News 2017c; Galloway 2017), in hopes of fostering and sustaining public pressure on the federal government to respond in full to UNESCO's recommendations.

At the request of the World Heritage Committee, Canada has set an action plan in motion, with Parks Canada at the helm. Several challenges persist in improving conditions in Wood Buffalo. In general, the political will to improve the state of the park in the wake of the committee meeting appears to be lacking. All responsibilities have been relegated to Parks Canada. Yet in conversations and meetings, Parks' own officers concede their agency is low in technical capacity, financial assets, and decision-making power. In an interview, Mikisew's legal counsel emphasized that getting effective government engagement is "constantly elusive" (I-04, 25 July 2017). The UNESCO work appears to be no exception. Mikisew representatives reaffirm that engagement on Canada's action plan has been preliminary and piecemeal (pers. comm. 11 December 2017). Canada argues that inter-jurisdictional issues and the number of Indigenous claims to rights in the park are major barriers to fully responding to the UNESCO recommendations. Mikisew maintains its reservations about the efficacy of domestic intervention in the wake of the decision, arguing that the lack of transparency and cooperation exhibited by Canada is damning for the park.

As was explored in Chapter Four, representatives of First Nations in the Fort McMurray area continue to have apprehensions regarding the utility of advocacy in protecting rights in the oil sands region. Evidently, the work does not stop once Indigenous groups garner international attention: implementation of state parties' responses requires constant policing. The onus is on Mikisew, other rights-holders, and concerned stakeholders to ensure that they are duly consulted and incorporated in subsequent interventions, and to appeal for continual involvement from

oversight bodies and allies within the world heritage network. This burden is enhanced by the proliferation of engagement opportunities documented in Chapter Three. Given the sheer number of forums demanding participation from Indigenous groups around Wood Buffalo, fully policing the actual implementation of reforms is a challenge.

The Krakow decision has elevated the impetus for further conservation measures in Wood Buffalo, and its recommendations offer engaged communities and stakeholders political leverage. Yet the ultimate outcomes of UNESCO-based advocacy are uncertain. Advancing high-profile campaigns is undoubtedly onerous. This is compounded by the burden of holding jurisdictional powers to account domestically. To date, it is not yet apparent that the results of advocacy work compensate for the energy and resources invested in such initiatives.

5.6 Conclusion

This chapter assessed Mikisew's experience engaging in advocacy work under the World Heritage Convention, reflecting upon their attempt to mobilize at UNESCO for greater decision-making influence on governance in the oil sands region. This ethnographic account of advocacy at UNESCO has enabled an immersive assessment of the process of communicating Indigenous concerns in manners that resonate with broader publics. Direct advocacy at the World Heritage Committee has aimed to conserve Mikisew's traditional lands and waters by reaching above and beyond existing energy governance processes, for international recourse. Adopting messages tailored to divergent domestic and international audiences has rendered Mikisew's concerns about its traditional lands amenable to the scope of the World Heritage Convention. While abroad, the oppositional nature of interactions between Canada and Mikisew demonstrated Canadian vulnerability to the politics of shame. It also put into question Canada's desire to embody and practice the principles of reconciliation that are openly espoused at home.

The outcomes of Mikisew's campaign work at UNESCO are mixed thus far. Their advocacy has been successful in validating Mikisew's concerns over the ecological viability of the park, and in enhancing domestic awareness of environmental threats to in Wood Buffalo. Yet at the same time, lacking collaboration with other First Nations and Métis groups with interests in Wood Buffalo National Park has weakened Mikisew's ability to command international oversight.

Wood Buffalo National Park and the Peace-Athabasca Delta are still in a precarious state. The lack of clear progress since the Krakow decision may validate uncertainty over the efficacy

of advocacy work (as established in Chapter Four). Although the Krakow decision offers an opportunity to engage in reconciliation in action, and recommends many processes to incorporate Indigenous input into governance, the long-term outcomes of this distinctive mobilization strategy have yet to be seen. The implementation of UNESCO's recommendations to address deteriorating ecological conditions in the Park appears to be largely reliant upon the will and processes of the Canadian government.

Chapter Six: Conclusion

6.1 Introduction

This thesis explored the ongoing political negotiation of bitumen extraction, by attending to the perspectives and experiences of actors engaged in energy governance in Alberta. Institutional ethnography was an ideal methodological approach for my investigation, as it provided the opportunity for an immersion in the social and political contexts of energy governance. My research has attended to the manner in which broader societal shifts, such as regulatory reforms and the nascent national project of reconciliation, influence these governance processes. Over the span of four months of fieldwork, I engaged in meetings, participatory forums, and other political processes alongside First Nations' representatives. Based in Fort McMurray, I assisted Mikisew's Government and Industry Relations office as I conducted my participatory ethnographic research. While I originally set out to explore Indigenous communities' experiences mobilizing for greater protection of their rights and interests in the oil sands region, I ultimately engaged with a broader network of practitioners and other actors who negotiate energy extraction in Alberta. Alongside GIR staff, I travelled across Alberta, into the Northwest Territories, and ultimately to the World Heritage Committee in Europe as I investigated and participated in energy governance negotiations. The scope of my research widened throughout my fieldwork, as my initial focus on Indigenous rights and mobilization led to broader discussions on the regulatory environment in Alberta, and to the process of negotiating energy governance in a hotly contested extractive zone. Ultimately, my fieldwork exposed me to the epistemic community that oversees extraction in northern Alberta. This chapter concludes by reviewing my research limitations, making recommendations for future study, and ultimately reflecting on my findings to assess their significance in light of the broader pursuit towards reconciliation in Canada.

6.2 Research Limitations and Recommendations

Despite calls to "study up" and "study through" power relations and policymaking contexts (Nader 1972; Shore and Wright 2006), anthropologists are reluctant to engage in long-term investigations of political spaces. The governance of energy extraction is imbued with conflicting ideas about public interest, development, and progress. As such, it is critical that social scientists immerse themselves ethnographically in the institutions that oversee and negotiate industrial activity and consultation. Governance as social practice merits further

investigation. In northern Alberta, longer-term immersion in the offices and consultation hubs of First Nations and Métis communities could provide further insights on political mobilization in Canada, as well as the translation of members' values and experiences into institutionally recognizable and actionable knowledge. The degree to which consultation processes reflect revolving door and capture dynamics should also be investigated further. While social scientific attention to oil sands extraction is increasing, there is still space for further study of Canada's largest industrial project. Researchers tend to undervalue the concept of regulatory capture in research assessing extraction in Alberta, despite its popularity among regional actors and stakeholders. The public at large would benefit from supplementary consideration of capture, and means of combating this phenomenon.

In future studies, research methods investigating regulatory capture and the revolving door should be enhanced to ensure reliability. My findings would be augmented by further quantitative, and particularly statistical, research. For instance, a wider, more systematic investigation of the revolving door principle is merited. For this to occur, the pursuit of a broad social network analysis that assesses connections between staff at government, industry, and community offices is necessary; future research must strive to secure a more representative sample. When investigating the strategies used to enhance Aboriginal and treaty rights, engaging in a broader survey of staff involved in energy governance in the oil sands region would strengthen the findings and conclusions set forth in Chapter Four. Further use of focus groups may also be enlightening; I intend to pursue this method due to the added insights mine brought to the lines of investigation I pursued.

Critical social research is especially warranted as rhetorical political tides continue to turn in favour of espousing participatory resource management, sustainability, and reconciliation. As one informant pointed out when discussing reconciliation, the rhetoric shifts that we are witnessing across the country – and especially among its political leaders – can be “a step in the right direction if it is followed by actions” (I-04, 25 July 2017). On the other hand, “if it is a way of whitewashing the status quo, it is dangerous, because it is harder to push back against” (I-04, 25 July 2017). The discursive gaps that may arise between these stated broad societal aims and their actualization in governance processes is critical. Rhetorical devices, as well as their operationalization and reverberations in political spheres, necessitate anthropological attention.

6.3 Reconciliation at the Heart of Canadian Extractive Industry

Prospects for the actualization of a nation-to-nation relationship between Indigenous peoples and the Crown are overcast by the closed nature of energy governance processes in Alberta. Informants often characterized the AER as a regulatory system that has been captured by industry. My analysis provided this notion with preliminary support: Chapter Three demonstrated that individuals with experience in regulatory and consultation work move quite regularly between professional positions in major sectors governing the region (i.e., government agencies, community offices, and industry), suggesting that there is a revolving door between these sectors.

In the past few years, the Alberta Energy Regulator has undergone a series of structural reforms meant to enhance its legitimacy and transparency, in order to improve its reputation in the wake of mounting global criticism. This regulatory overhaul – among other factors – has catalyzed a wide range of participatory processes. Nevertheless, widespread concerns persist regarding the ongoing negotiation of extraction in northern Alberta. My informants assert that First Nations and Métis voices are systematically discounted in Alberta’s energy governance systems. These concerns are not unfounded; my findings suggest that ongoing regulatory and consultation processes persistently sideline Indigenous voices. Public interest is currently conflated with economic growth in Alberta. Despite the emergence of additional participatory processes, decision-making is financially oriented, and often industry-directed. Aboriginal and treaty rights are often disregarded in the province’s regulatory system.

The political action taken by the GIR and other consultation offices in the Fort McMurray area constitutes a form of ongoing agonistic reconciliation (Tully 2004) with the Crown, as Indigenous peoples and their representatives endeavour to further dialogical, participatory engagement. The GIR’s employees are cultural brokers who strive to translate Mikisew’s needs and concerns into complex regulatory and consultative processes.

The GIR selectively and strategically engages in litigation, government consultation, industry negotiations, and advocacy. These strategies are adopted depending on various factors, including impacts, capacity, and direction from leadership. My informants perceive litigation to be the most valuable means of mobilization. Views of consultation and negotiation with government and industry are mixed, although the GIR, like other IRCs, relies on financial capacity harnessed through negotiations with project proponents to engage politically. Advocacy

is perceived as the least viable option for protecting Indigenous rights and priorities; such campaigns appear to be a last resort, considered only after all domestic options have been exhausted. Ultimately, such strategies are interrelated, and deployed in contextually dependent manners.

The UNESCO case study may authenticate concerns expressed over the viability of advocacy, due to its capital-intensiveness and indeterminate outcomes. Yet Mikisew's advocacy at the World Heritage Committee is also a testament to the capacity of MCFN and its representatives: International oversight has prompted the recommendation of a range of research and conservation interventions in a critical ecological region that has been inundated by the impacts of industrial activity for decades.

For promises of reconciliation to become tangible in the oil sands region, meaningful consultation is vital. In order to reflect government commitments and broad societal aims, the public interest should be applied in a manner that honours the constitutional protection of Aboriginal and treaty rights, and incorporates stated aims to reconcile Indigenous-Canadian relations. Evidently, reconciling and balancing the interests of broader Canadian and pre-existing Indigenous societies is an ongoing but worthy pursuit.

References Cited

Cases

- Chippewas of the Thames First Nation v. Enbridge Pipelines Inc.* [2017] SCC 41.
Clyde River (Hamlet) v. Petroleum Geo-Services Inc. [2017] SCC 40.
Courtoreille v. Canada (Aboriginal Affairs and Northern Development) [2014] F.C. 1244
Delgamuukw v. British Columbia [1997] 3 S.C.R. 1010
Guerin v. The Queen [1984] 2 S.C.R. 335.
Haida Nation v. British Columbia [2004] 3 S.C.R. 511
Mikisew Cree First Nation v. Canada (Minister of Canadian Heritage) [2005] 3 S.C.R. 388
Mitchell v. Canada [2001] 1 S.C.R. 911
R. v. Sparrow [1990] 1 S.C.R. 1075.
R. v. Van Der Peet [1996] 2 S.C.R. 507.
Rio Tinto Alcan Inc. v Carrier Sekani Tribal Council, 2010 SCC 43
Taku River Tlingit First Nation v. British Columbia [2004] 3 S.C.R. 550
Tsilhqot'in v. British Columbia [2014] SCC 44.

Legislation

- Aboriginal Consultation Levy Act, 2013* [Bill 22].
<http://indigenous.alberta.ca/documents/AboriginalConsultationLevyAct.pdf>
Alberta Land Stewardship Act, 2009 [ALSA]. Statutes of Alberta, Chapter A-26.8.
<http://www.qp.alberta.ca/documents/Acts/A26P8.pdf>
Constitution Act, 1982, Enacted as Schedule B to the *Canada Act 1982*, (U.K.) c.11
United Nations Declaration on the Rights of Indigenous Peoples: Resolution / Adopted by the United Nations General Assembly (UNGA), 2 October 2007, A/RES/61/295. Available at: <http://www.refworld.org/docid/471355a82.html>

Treaty

- Agreement, between Her Majesty the Queen in Right of Canada and the Cree Band of Fort Chipewyan, December 23, 1986*. [Treaty Land Entitlement]
Treaty No. 8 made June 21, 1899 and Adhesions, Reports, Etc. Ottawa, ON: Queen's Printer [1966]. www.ainc-inac.gc/pr/trts/trty8_e.html

Literature

- Abélès, Marc. 2017. "Heart of Darkness: An exploration of the WTO." In *Palaces of Hope: The Anthropology of Global Organizations*, edited by R. Niezen and M. Sapignoli, 31-54. Cambridge, UK: Cambridge University Press.
Adkin, Laurie E., ed. 2016. *First World Petro-Politics: The Political Ecology and Governance of Alberta*. Toronto, ON: University of Toronto Press.
Agar, Michael, and James MacDonald. 1995. Focus Groups and Ethnography. *Human Organization*, 54 (1): 78-86.
Alberta Energy Regulator (AER). n.d.. Governance. <https://www.aer.ca/about-aer/governance>
Alberta Energy Regulator (AER). 2009. *Directive 074: Tailings Performance Criteria and Requirements for Oil Sands Mining Schemes*. Edmonton, AB: Alberta Energy Regulator.
Alberta Energy Regulator (AER). 2015a. *Directive 085: Fluid Tailings Management for Oil Sands Mining Projects*. Edmonton, AB: Alberta Energy Regulator.

- Alberta Energy Regulator (AER). 2015b. *Lower Athabasca Region: Tailings Management Framework for Mineable Athabasca Oil Sands (TMF)*. Edmonton, AB: Alberta Energy Regulator.
- Alberta Energy Regulator (AER). 2017a. *ST98: 2017 Alberta's Energy Reserves and Supply/Demand Outlook* [Executive Summary].
http://www1.aer.ca/st98/data/executive_summary/ST98-2017_Executive_Summary.pdf
- Alberta Energy Regulator (AER). 2017b. *Strategic Plan 2017-2020*.
https://www.aer.ca/documents/about-us/AER_StrategicPlan_2017-20.pdf
- Alberta Energy. n.d.. *Alberta Energy: Facts and Statistics*.
<http://www.energy.alberta.ca/OilSands/791.asp>
- Alfred, Taiaiake. 2009. "Restitution Is the Real Pathway to Justice for Indigenous Peoples." In *Response, Responsibility, and Renewal: Canada's Truth and Reconciliation Journey*, edited by G. Younging, J. Dewar, and M. DeGagné, 179-190. Ottawa, ON: Aboriginal Healing Foundation.
- Anderson, David G. 2014. Cultures of Reciprocity and Cultures of Control in the Circumpolar North. *Journal of Northern Studies*, 8 (2): 11-27.
- Angell, Angela C., and John R. Parkins. 2011. Resource Development and Aboriginal Culture in the Canadian North. *Polar Record*, 47 (240): 69-79.
- Aplin, Graeme. 2007. World Heritage Cultural Landscapes. *International Journal of Heritage Studies*, 13 (6), 427-446. DOI:10.1080/13527250701570515
- Armitage, Derek, Firket Berkes, and Nancy Doubleday. 2007. *Adaptive Co-Management: Collaboration, Learning, and Multi-Level Governance*. Vancouver, BC: UBC Press.
- Asch, Michael. 2000. "First Nations and the Derivation of Canada's Underlying Title: Comparing Perspectives on Legal Ideology." In *Aboriginal Rights and Self-Government*, edited by C. Cook and J. D. Lindau, 148-167. Montreal, QC: McGill-Queen's University Press.
- Asch, Michael. 2001. Indigenous Self-Determination and Applied Anthropology in Canada: Finding a Place to Stand. *Anthropologica*, 43 (2): 201-207.
- Asch, Michael. 2002. From Terra Nullius to Affirmation: Reconciling Aboriginal Rights with the Canadian Constitution. *Canadian Journal of Law and Society*, 17 (2): 23-40.
- Asch, Michael. 2014. *On Being Here to Stay: Treaties and Aboriginal Rights in Canada*. Toronto, ON: University of Toronto Press.
- Bagley, Nicholas. 2010. Agency Hygiene. *Texas Law Review*, 89 (1): 1-14.
repository.law.umich.edu/articles/575/
- Baker, Janelle. 2016. Research as Reciprocity: Northern Cree Community-Based and Community-Engaged Research on Wild Food Contamination in Alberta's Oil Sands Region. *Engaging with Indigenous Communities*, 2 (1): 109-123.
- Baker, Janelle, and Clinton N. Westman. 2018. Extracting Knowledge: Social Science, Environmental Assessment, and Indigenous Consultation in the Oil Sands of Alberta, Canada. *The Extractive Industries and Society*, 5 (1): 144-153.
 DOI:10.1016/j.exis.2017.12.008
- Ball, David P. 2017. "B.C.'s Site C dam faces UNESCO heritage site scrutiny." *Metro Vancouver*, 2017, July 6. <http://www.metronews.ca/news/vancouver/2017/07/06/bc-site-c-dam-faces-unesco-heritage-site-scrutiny.html>
- Ball, Jessica, and Pauline Janyst. 2008. Enacting Research Ethics in Partnerships with Indigenous Communities in Canada: "Do it in a Good Way." *Journal of Empirical*

- Research on Human Research Ethics: An International Journal*, 3 (2): 33-51.
DOI:10.1525/jer.2008.3.2.33
- Barnetson, Bob. 2015. "Worker Safety in Alberta: Trading Health for Profit." In *Alberta Oil and the Decline of Democracy in Alberta*, edited by M. Shrivastava and L. Stefanick, 225-247. Edmonton, AB: Athabasca University Press.
- BBC News. 2017. "Białowieża Forest: Poland sued over ancient woods logging." *BBC News*, 2017, July 13. <http://www.bbc.com/news/world-europe-40594977>
- Becker, Eva. 2016. *Knowledge Capture in Financial Regulation: Data- Information- and Knowledge-Asymmetries in the US Financial Crisis*. München, DE: Springer.
- Belshaw, Cyril S. 1976. *The Sorcerer's Apprentice: An Anthropology of Public Policy*. Oxford, UK: Pergamon Press Ltd.
- Beltaos, Spyros, Terry D. Prowse, and Tom Carter. 2006. Ice Regime of the Lower Peace River and Ice-Jam Flooding of the Peace-Athabasca Delta. *Hydrological Processes*, 20 (19): 4009-4028. DOI: 10.1002/hyp.6417
- Berger, Peter L., and Thomas Luckmann. 1966. *The Social Construction of Reality*. Garden City, NY: Anchor Books.
- Berkes, Fikret. 2007. Community-based Conservation in a Globalized World. *Proceedings of the National Academy of Sciences*, 104 (39): 15188-15193. DOI: 10.1073/pnas.0702098104
- Berkes, Fikret. 2010. Devolution of Environment and Resources Governance: Trends and Future. *Environmental Conservation*, 37 (4): 489-500. DOI: 10.1017/S037689291000072X
- Bernard, Harvey R. 2006. *Research Methods in Anthropology* (4th Ed.). Oxford, UK: Altamira Press.
- Bernstein, Marver H. 1955. *Regulating Business by Independent Commission*. Princeton, NJ: Princeton University Press.
- Bevir, Mark, and Rod Rhodes. 2006. *Governance Stories*. Oxon, UK: Routledge.
- Bird, Hilary. 2017. "Mikisew Cree and Fort McKay First Nations close \$503M deal on oilsands project." *CBC News*, 2017, November 23.
<http://www.cbc.ca/news/canada/north/northern-alberta-first-nations-close-oilsands-deal-1.4416534>
- Bjerregaard, Toke, and Bjarke Nielsen. 2014. Institutional Maintenance in an International Bureaucracy: Everyday Practices of International Elites Inside UNESCO. *European Management Journal*, 32: 981-90.
- Black box [Def. 1]. (n.d.) In *Cambridge Dictionary*.
<https://dictionary.cambridge.org/dictionary/english/black-box>
- Blaser, Mario. 2004. "Life Projects: Indigenous Peoples' Agency and Development." In *In the Way of Development: Indigenous Peoples, Life Projects and Globalization*, edited by M. Blaser, H. A. Feit, and G. McRae, 26-45. London, UK: Zed Books in association with International Development Research Centre, Ottawa, ON.
- Blaser, Mario, Harvey A. Feit, and Glenn McRae, eds. 2004. *In the Way of Development: Indigenous Peoples, Life Projects and Globalization*. London, UK: Zed Books in association with International Development Research Centre, Ottawa.
- Bonds, Eric. 2007. Environmental Review as Battleground: Corporate Power, Government Collusion and Citizen Opposition to a Tire-burning Power Plant in Rural Minnesota, U.S.A. *Organization and Environment*, 20 (2): 157-176.
- Bourdieu, Pierre. 1986. "The Forms of Capital." In *Handbook of Theory and Research for the Sociology of Education*, edited by J. Richardson, 241-258. New York, NY: Greenwood.

- Bowness, Evan, and Mark Hudson. 2014. Sand in the Cogs? Power and Public Participation in the Alberta Tar Sands. *Environmental Politics*, 23 (1): 59-76.
- Brannen, Mary Yoko, and David C. Thomas. 2010. Bicultural Individuals in Organizations: Implications and Opportunity. *International Journal of Cross Cultural Management*, 10 (1): 5-16.
- Brumann, Christoph. 2012. *Multilateral Ethnography: Entering the World Heritage Arena*. Max Planck Institute for Social Anthropology, Working Paper 136. <https://www.eth.mpg.de/pubs/wps/pdf/mpi-eth-working-paper-0136>
- Brumann, Christoph. 2014. Shifting Tides of World-Making in the UNESCO World Heritage Convention: Cosmopolitanisms Colliding. *Ethnic & Racial Studies*, 37 (12): 2176-2192. DOI:10.1080/01419870.2014.934261
- Brumann, Christoph. 2015. "Community as Myth and Reality in the UNESCO World Heritage Convention." In *Between Imagined Communities of Practice: Participation, Territory and the Making of Heritage*, edited by N. Adell, R. F. Bendix, C. Bortolotto, and M. Tauschek, 273-289. Göttingen, GER: Göttingen University Press.
- Buiter, Willem H. 2008. "Central Banks and Financial Crises." In *Maintaining Stability in a Changing Financial System: Proceedings of the Federal Reserve Bank of Kansas City Economic Policy Symposium*, 495-633. Jackson Hole, WY. <http://eprints.lse.ac.uk/24438/1/dp619.pdf>
- Caine, Ken J. 2016. Blurring the Boundaries of Environmentalism: The Role of the Canadian Parks and Wilderness Society as a Boundary Organization in Northern Conservation Planning. *Rural Sociology*, 81: 194-223.
- Caine, Ken J., and Naomi Krogman. 2010. Powerful or Just Plain Power-Full? A Power Analysis of Impact and Benefit Agreements in Canada's North. *Organization & Environment*, 23 (1): 76-98.
- Cameron, Christina. 2015. "UNESCO and Cultural Heritage: Unexpected Consequences" In *A Companion to Heritage Studies*, edited by W. Logan, M. N. Craith, and U. Kockel, 322-336. Hoboken, NJ: John Wiley & Sons, Inc. DOI:10.1002/9781118486634.ch23
- Canada's Oil Sands Innovation Alliance (COSIA). n.d. *About Cosia*. <http://www.cosia.ca/about-cosia>
- Canadian Parks and Wilderness Society (CPAWS). 2017. "Mikisew Cree Responds to UNESCO Decision on Wood Buffalo National Park." *CPAWS, 2017 July 5*. <http://cpaws.org/news/mikisew-cree-responds-to-unesco-decision-on-wood-buffalo-national-park>
- Candler, Craig, and the Firelight Group. 2012. "Mikisew Cree First Nation Indigenous Knowledge and Use Report and Assessment for Shell Canada's Proposed Jackpine Mine Expansion, Pierre River Mine, and Redclay Compensation Lake." Mikisew Cree First Nation. https://www.ceaa-acee.gc.ca/050/documents_staticpost/59540/81917/MCFN_Indigenous_Knowledge_Report.pdf
- Candler, Craig, Ginger Gibson, Molly Malone, and The Firelight Group. 2015. "Wîyôw'tan'kitaskino (Our Land Is Rich): A Mikisew Cree Culture and Rights Assessment for the Proposed Teck Frontier Project Update." The Firelight Group for Mikisew Cree First Nation.

- Carbyn, Lu N., D. Huisman, E. Street, and D. Anions. 1989. "An Analysis of the Decline of Bison in Wood Buffalo National Park from 1971 to 1981 and a Review of the Status to 1989." Edmonton, AB: Canadian Wildlife Service.
- Cardinal, Jesse. 2014. "The Tar Sands Healing Walk." In *A Line in the Tar Sands: Struggles for Environmental Justice*, edited by S. D'Arcy, T. Black, T. Weis, and J. K. Russell, 127–133. Toronto, ON: Between The Lines.
- Carpenter, Daniel, and David A. Moss (Eds.). 2013. *Preventing Regulatory Capture: Special Interest Influence and How to Limit It*. Cambridge, UK: Cambridge University Press.
- Carr, E. Summerson. 2009. Anticipating and Inhabiting Institutional Identities. *American Ethnologist*, 36 (2): 317-336. DOI: 10.1111/j.1548-1425.2009.01137.x
- Carr, E. Summerson. 2010. Enactments of Expertise. *Annual Review of Anthropology*, 39: 17-32. DOI: 10.1146/annurev.anthro.012809.104948
- Carrithers, M., Andrew Barry, Ivan Brady, Clifford Geertz, Roger M. Keesing, Paul A. Roth, Robert A. Rubinstein, and Elvi Whittaker. 1990. Is Anthropology Art or Science? *Current Anthropology*, 31 (3): 263-282.
- Carter, Anna, and Anna Zalik. 2016. "Fossil Capitalism and the Rentier State: Towards a Political Ecology of Alberta's Oil Economy." In *First World Petro-Politics: The Political Ecology and Governance of Alberta*, edited by L. E. Adkin, 51-77. Toronto, ON: University of Toronto Press
- Carter, Anna, G. Fraser, G., and Anna Zalik. 2017. Environmental Policy Convergence in Canada's Fossil Fuel Provinces? Regulatory Streamlining, Impediments, and Drift. *Canadian Public Policy*, 43 (1): 61–76. DOI: 10.3138/cpp.2016-041
- Carter, Anna. 2014. Petro-Capitalism and the Tar Sands. In *A Line in the Tar Sands: Struggles for Environmental Justice*, edited by D'Arcy, S., Black, T., Weis, T., Kahn, and J. Russell, 23-35. Toronto, ON: Between the Lines Press.
- Carver, Martin. 2013. "Impacts of the Proposed Site C Dam on the Hydrologic Recharge of the Peace Athabasca Delta: Submission to the Site C Joint Review Panel." CEAA website. <http://www.ceaa-acee.gc.ca/050/document-eng.cfm?document=96375>
- Carver, Martin. 2014. "Response to BC Hydro's Rebuttal Report." CEAA website. <http://www.ceaa-acee.gc.ca/050/documents-eng.cfm?evaluation=63919&type=4>
- CBC News. 2007. "Suncor executive's appointment under fire." *CBC News*, 2007, August 13. <http://www.cbc.ca/news/canada/edmonton/suncor-executive-s-appointment-under-fire-1.680375>
- CBC News. 2017a. "Alberta Energy Regulator rejects Suncor oil sands tailing pond strategy." *CBC News*, 2017, March 18. <http://www.cbc.ca/news/canada/calgary/suncor-tailing-pond-alberta-energy-regulator-rejection-1.4031251>
- CBC News. 2017b. "Suncor plan for managing tailings ponds approved by Alberta Energy Regulator." *CBC News*, 2017, October 26. <http://www.cbc.ca/news/canada/calgary/energy-regulator-alberta-suncor-tailings-1.4373317>
- CBC News. 2017c. "'No water, no birds': Wood Buffalo National Park among most threatened, warn international scientists." *CBC News*, 2017, November 16. <http://www.cbc.ca/news/canada/edmonton/wood-buffalo-national-park-threatened-report-1.4404850>
- Chambon, Adrienne, Wolfgang Schröer, and Cornelia Schweppe, eds. 2012. *Transnational Social Support*. New York, NY: Routledge.

- Chastko, Paul A. 2004. *Developing Alberta's Oil Sands from Karl Clark to Kyoto*. Calgary, AB: University of Calgary Press.
- Clifford, James, and George E. Marcus, eds. 1986. *Writing Culture: The Poetics and Politics of Ethnography*. Berkeley, CA: University of California Press.
- Coates, Ken. 2004. *A Global History of Indigenous Peoples: Struggle and Survival*. Houndsmills, UK: Palgrave Macmillan.
- Coglianesi, Cary. 2015. *Listening, Learning, Leading: A Framework for Regulatory Excellence*. Philadelphia, PA: Penn Program on Regulation.
<https://www.law.upenn.edu/live/files/4946-pprfinalconvenersreportpdf>
- Coleman, James S. 1988. Social Capital in the Creation of Human Capital. *American Journal of Sociology, Supplement: Organizations and Institutions: Sociological and Economic Approaches to the Analysis of Social Structure*, 94 (Supplement): S95-S120.
- Coulter, Kendra, and William R. Schumann. 2012. *Governing Cultures: Anthropological Perspectives on Political Labor, Power, and Government*. New York, NY: Palgrave Macmillan.
- Coyle, Michael. 2016. From Consultation to Consent: Squaring the Circle? *University of New Brunswick Law Journal, Canadian Periodicals Index Quarterly*.
- Craik, Brian. 2004. "The Importance of Working Together: Exclusions, Conflicts and Participation in James Bay, Quebec." In *In the Way of Development: Indigenous Peoples, Life Projects and Globalization*, edited by M. Blaser, H. A. Feit, and G. McRae, 166-186. London, UK: Zed Books in association with International Development Research Centre, Ottawa.
- Creswell, John W. 2009. *Research Design: Qualitative, Quantitative and Mixed Methods Approaches*. Thousand Oaks, CA: Sage.
- Crowley, Claire. 2016. *How Context Affects Uncertainty Disclosure and Communication in Environmental Impact Assessment: A Case Study of Energy Development in Northern Alberta* (Master's thesis). Saskatoon, SK: University of Saskatchewan.
- Daes, Erica-Irene A. 2008. An Overview of the History of Indigenous Peoples: Self-Determination and the United Nations. *Cambridge Review of International Affairs*, 21 (1): 7-26. <http://www.sfu.ca/~palys/Daes-2008-HistoryOfIndigPeoplesAndSelf-Determination.pdf>
- Dexter, Lewis A. 2012. *Elite and Specialized Interviewing*, 2nd Ed. Essex, UK: ECPR Press.
- Dokis, Carly. 2015. *Where the Rivers Meet: Pipelines, Participatory Resource Management, and Aboriginal-state Relations in the Northwest Territories*. Vancouver, BC: UBC Press
- Duncan, Linda. 2016. House of Commons Debates (42-1), No. 114. 2016, November 24.
<http://www.ourcommons.ca/DocumentViewer/en/42-1/house/sitting-114/hansard>
- Duncan, Linda. 2017. House of Commons Debates (42-1), No. 193. 2017, June 13.
<http://www.ourcommons.ca/DocumentViewer/en/42-1/house/sitting-193/hansard>
- Dyer, Simon. 2007. *Perceptions of Oil Sands Development: Part 1: Pace and Scale*. Drayton Valley, AB: Pembina Institute.
https://www.pembina.org/reports/Poll_Env_mediaBG_Final.pdf
- Elias, Peter Douglas. 2011. Composite Map Showing All Use Sites Recorded in All Six TLU Studies [Map]. In *Mikisew Cree Use of Lands and Resources in the Vicinity of the Proposed Shell - Jack Pine and Shell - Pierre River Operations* (pp. 42).
https://www.ceaa.gc.ca/050/documents_staticpost/59540/51434/MCFN.pdf

- Ellis, Jim. 2016. "Speech by Jim Ellis, President and CEO, Alberta Energy Regulator." Ottawa, ON: Community of Federal Regulators, 2016, October 17.
<https://www.aer.ca/documents/about-us/CommunityFederalRegulators.pdf>
- Environmental Defence Canada. 2017. "One Trillion Litres of Toxic Waste and Growing: Alberta's Tailings Ponds." Environmental Defence Canada and the Natural Resources Defence Council. <https://www.nrdc.org/sites/default/files/media-uploads/edc-and-nrdc-one-trillion-litres-of-toxic-waste-and-growing-albertas-tailings-ponds-june-2017.pdf>
- Eriksen, Thomas H. 2001. "Between Universalism and Relativism: A Critique of the UNESCO Concept of Culture." In *Culture and Rights: Anthropological Perspectives*, edited by J. K. Cowan, M.-B. Dembour, and R. A. Wilson, 127-148. Cambridge, UK: Cambridge University Press.
- Ervin, Alexander. 2015. *Cultural Transformations and Globalization: Theory, Development, and Social Change*. New York, NY: Routledge.
- Espeland, Wendy. 1993. Power, Policy and Paperwork: The Bureaucratic Representation of Interests. *Qualitative Sociology*, 16 (3): 297-317.
- Fidler, Courtney, and Michael Hitch. 2007. Impact and Benefit Agreements: A Contentious Issue for Environmental and Aboriginal Justice. *Environments Journal*, 35 (2): 49-69.
- Fischer, Michael M. J. 2009. *Anthropological Futures*. Durham, NC: Duke University Press.
- Fluker, Shaun. 2011. Public Participation at the Alberta Energy Resources Conservation Board. *Resources*, 111: 1-15. <https://ssrn.com/abstract=1895636>
- Fluker, Shaun. 2015. Right to Public Participation in Resources and Environmental Decision-Making in Alberta. *Alberta Law Review*, 52: 567-603.
- Fortney, Valerie. 2009. "Cupid's arrow pierces energy regulator." *Calgary Herald*, 2009, February 21.
<http://www.calgaryherald.com/Cupid+arrow+pierces+energy+regulator/1313554/story.html>
- Frynas, Jędrzej, G. 2005. The False Developmental Promise of Corporate Social Responsibility: Evidence from Multinational Oil Companies. *International Affairs*, 81 (3), 581-598.
- Fumoleau, René. (1975) 2004. *As Long as This Land Shall Last: A History of Treaty 8 and Treaty 11, 1870–1939*. Calgary, AB: University of Calgary Press.
- Galloway, Gloria. (2017). "Red flag raised about state of Wood Buffalo National Park." *The Globe and Mail*, 2017, November 15.
<https://www.theglobeandmail.com/news/national/red-flag-raised-about-state-of-wood-buffalo-national-park/article36998897/>
- Ganti, Tejaswini. 2014. Neoliberalism. *Annual Review of Anthropology*, 43: 89-104.
- Gaspar, Des, and Raymond Apthorpe. 1996. Discourse Analysis and Policy Discourse. In *Arguing Development Policy – Frames and Discourses*, edited by R. Apthorpe and D. Gaspar, 1-15. London, UK: Cass.
- Gerbrandt, Jennifer L. 2015. *Energy Uncertainty: The Effects of Oil Extraction on the Woodland Cree First Nation* (Master's thesis). Saskatoon, SK: University of Saskatchewan.
- Gibson, Ginger, and Ciaran O'Faircheallaigh. 2010. "IBA Community Toolkit: Negotiation and Implementation of Impact and Benefit Agreements." Toronto, ON: Walter & Duncan Gordon Foundation. https://www.foa.ca/afoadocs/L3/L3a%20-%20IBA_toolkit_March_2010_low_resolution.pdf
- Gogal, Sandra, Richard Riegert, and Jo Ann Jamieson. 2005. Aboriginal Impact and Benefit Agreements: Practical Considerations. *Alta. Law Review*, 43: 129-157.

- Goodman, Leo A. 1961. Snowball Sampling. *The Annals of Mathematical Statistics*, 32 (1): 148-170.
- Government of Alberta. 1996. *Northern River Basins Study: Key Findings and Recommendations*. Edmonton, AB: Government of Alberta.
<https://extranet.gov.ab.ca/env/infocentre/info/library/8701.pdf>
- Government of Alberta. 2012. *Lower Athabasca Regional Plan 2012-2022*. Edmonton, AB: Government of Alberta.
- Government of Canada. 2017. *Principles Respecting the Government of Canada's Relationship with Indigenous Peoples*. Ottawa, ON: Government of Canada.
<http://www.justice.gc.ca/eng/csj-sjc/principles-eng.pdf>
- Grégoire, Étienne Roy. 2013. The Contribution of Impact and Benefit Agreements to the Regulation of Mining Projects: Lessons from the Raglan Agreement in Northern Quebec. *Proceedings of the 23rd World Mining Congress in Montreal, August 11-15 2013, Montreal*. Montreal, QC: Université de Québec à Montréal.
<http://www.ieim.uqam.ca/IMG/pdf/roy-gregoire.pdf>
- Grindle, Merilee S. 2011. Good Enough Governance Revisited. *Development Policy Review*, 29 (S1): S199-S221.
- Haas, Peter M. 1992. Introduction: Epistemic Communities and International Policy Coordination. *International Organization*, 46 (1): 1-35.
<http://www.jstor.org/stable/2706951>
- Harper, Stephen. 2008. House of Commons Debates, June 11.
<http://www.parl.gc.ca/HousePublications/Publication.aspx?Language=E&Mode=1&Parl=39&Ses=2&DocId=3568890>
- Hays, Danica G., and Anneliese A. Singh. 2012. *Qualitative Inquiry in Clinical and Educational Settings*. New York, NY: The Guilford Press.
- Herzfeld, Michael. 1992. *The Social Production of Indifference—Exploring the Symbolic Roots of Western Bureaucracy*. New York, NY: Berg.
- Hewitt de Alcántara, Cynthia. 1998. Uses and Abuses of the Concept of Governance. *International Social Science Journal*, 50 (155): 105-113.
- Hitch, Michael W. 2006. *Impact and Benefit Agreements and the Political Ecology of Mineral Development in Nunavut* (PhD Thesis). Waterloo, ON: University of Waterloo.
- Hoberg, George, and Jeff Phillips. 2011. Playing Defence: Early Responses to Conflict Expansion in the Oil Sands Policy Subsystem. *Canadian Journal of Political Science*, 44 (3): 507-527.
- Hutchins, Aaron. 2013. "What lies beneath Alberta's man-made lakes?" *Maclean's*, 2013, December 9. <http://www.macleans.ca/economy/business/what-lies-beneath-albertas-man-made-lakes/>
- Indian Claims Commission. 1998. *Athabasca Chipewyan First Nation Inquiry: WAC Bennett Dam and Damage to Indian Reserve 201*. Ottawa, ON: Indian Claims Commission.
https://www.ceaa-acee.gc.ca/050/documents_staticpost/59540/82080/Appendix_C.pdf
- International Energy Agency (IEA). 2010. *Energy Policies of IEA Countries: Canada 2009 Review*. Paris, FR: International Energy Agency/OECD.
<https://www.iea.org/publications/freepublications/publication/canada2009.pdf>
- International Union for the Conservation of Nature (IUCN). 1983. *World Heritage Nomination: IUCN Technical Review* (256 Wood Buffalo National Park).
<http://whc.unesco.org/en/list/256/documents/>

- Jang, Sujin. 2014. *Bringing Worlds Together: Cultural Brokerage in Multicultural Teams* (Doctoral dissertation). Cambridge, MA: Harvard University.
https://dash.harvard.edu/bitstream/handle/1/12274592/Jang_gsas.harvard_0084L_11627.pdf?sequence=1
- Jaques, Dennis R. 1990. *Vegetation Habitat Types of the Peace-Athabasca Delta: 1976-1989*. Wood Buffalo National Park: Fort Smith, NT, Canada.
- Jenkins, Heledd, and Natalia Yakovleva. 2006. Corporate Social Responsibility in the Mining Industry: Exploring Trends in Social and Environmental Disclosure. *Journal of Cleaner Production*, 14 (3-4): 271-284.
- Jenkins, Heledd. 2004. Corporate Social Responsibility and the Mining Industry: Conflicts and Constructs. *Corporate Social Responsibility and Environmental Management*, 11: 23-34.
- Joly, Tara, and Clinton N. Westman. 2017. *Taking Research off the Shelf: Impacts, Benefits, and Participatory Processes around the Oil Sands Industry in Northern Alberta*.
http://artsandscience.usask.ca/news/files/205/Taking_Research_off_the_Shelf_Joly_and_Westman_KSG_report.pdf
- Joly, Tara. 2017. *Making Productive Land: Utility, Encounter, and Oil Sands Reclamation in Northeastern Alberta, Canada* (Doctoral dissertation). Aberdeen, UK: University of Aberdeen.
- Kahan, James P. 2001. Focus Groups as a Tool for Policy Analysis. *Analyses of Social Issues and Public Policy*, 1 (1): 129-146. DOI: 10.1111/1530-2415.00007
- Kirsch, Stuart. 2014. *Mining Capitalism: The Relationship Between Corporations and Their Critics*. Chicago, IL: University of Chicago Press.
- Kooiman, Jan. 2003. *Governing as Governance*. London, UK: SAGE Publications.
- Kovach, Margaret. 2005. "Emerging from the Margins: Indigenous Methodologies." In *Research as Resistance: Critical, Indigenous and Anti-oppressive Approaches*, edited by L. Brown and S. Strega, 19–36. Toronto, ON: Canadian Scholars' Press.
- Kurjata, Andrew. 2017. "A reconciliation fail: B.C. First Nations promise court action over NDP's approval of Site C." *CBC News*, 2017, December 12.
<http://www.cbc.ca/news/canada/british-columbia/site-c-indigenous-reaction-british-columbia-1.4443808>
- Kwak, James. 2014. "Cultural Capture and the Financial Crisis." In *Preventing Regulatory Capture: Special Interest Influence and How to Limit It*, edited by D. Carpenter and D. Moss, 71-98. Cambridge, UK: Cambridge University Press. DOI: 10.1017/CBO9781139565875.008
- Laboucan-Massimo, Melina. 2014. "Awaiting Justice: The Ceaseless Struggle of the Lubicon Cree." In *A Line in the Tar Sands: Struggles for Environmental Justice*, edited by S. D'Arcy, T. Black, T. Weis, & J. K. Russell, 113–117. Toronto, ON: Between The Lines.
- Laidlaw, David. 2016a. *Aboriginal Consultation, Environmental Assessment, and Regulatory Review in Canada*. Regina, SK: University of Regina Press.
- Laidlaw, David. 2016b. Alberta First Nations Consultation & Accommodation Handbook – Updated to 2016. *CIRL Occasional Paper # 53*. Calgary, AB: Canadian Institute of Resources Law.
- Lemos, Maria C., and Arun Agrawal. 2006. Environmental Governance. *Annual Review of Environmental Resources*, 31: 297-325.

- Levine, Michael E., and Jennifer L. Forrence. 1990. Regulatory Capture, Public Interest, and the Public Agenda: Toward a Synthesis. *Journal of Law, Economics and Organization*, 6 (0): 167-198.
- Lockwood, Michael. 2010. Good Governance for Terrestrial Protected Areas: A Framework, Principles and Performance Outcomes. *Journal of Environmental Management*, 91 (3): 754-766.
- Longley, Hereward. 2015. "Indigenous Battles for Environmental Protection and Economic Benefits during the Commercialization of the Alberta Oil Sands, 1967–1986." In *Mining and Communities in Northern Canada: History, Politics, and Memory*, edited by A. Keeling and J. Sandlos, 207–232. Calgary, AB: University of Calgary Press.
- MacPherson, Crawford B. 1953. *Democracy in Alberta: Social Credit and the Party System*. Toronto, ON: University of Toronto Press.
- Makkai, Toni, and John Braithwaite. 1992. In and Out of the Revolving Door: Making Sense of Regulatory Capture. *Journal of Public Policy*, 12 (1): 61-78. DOI: 10.1017/S0143814X00005006
- Malinowski, Bronislaw. 1922. *Argonauts of the Western Pacific*. New York, NY: E. P. Dutton.
- Mantyka-Pringle, Chrystal, Clinton N. Westman, Andrew Krythreotis, and David W. Schindler. 2015. Honouring Indigenous Treaty Rights for Climate Justice. *Nature Climate Change*, 5 (9): 798-801.
- Marcus, George E. 1995. Ethnography In/Of the World System: The Emergence of Multi-Sited Ethnography. *Annual Review of Anthropology*, 24: 95-117.
- McCauley, Jaime. 2014. Using Institutional Ethnography to Examine the Social Organization of Absence. *Social Epistemology Review and Reply Collective*, 3 (8): 22-27.
- McCormack, Patricia. 1984. How the (North) West was Won: Development and Underdevelopment in the Fort Chipewyan Region (Doctoral thesis). Edmonton, AB: University of Alberta.
- McCormack, Patricia. 1992. The Political Economy of Bison Management in Wood Buffalo National Park. *ARCTIC*, 45 (4): 367-380. DOI: 10.14430/arctic1416
- McCormack, Patricia. 2010. *Fort Chipewyan and the Shaping of Canadian History, 1788-1920s: 'We Like to Be Free in This Country'*. Vancouver, BC: UBC Press.
- McCormack, Patricia. 2016. Environmental Reviews and Case Studies: Doing Credible Cultural Assessment. *Environmental Practice*, 18 (3): 148-165.
- McDermott, Vincent. 2017. "Alberta launches Indigenous Environmental Advisory Panel." *Fort McMurray Today*, 2017, May 31. <http://www.fortmcmurraytoday.com/2017/05/31/alberta-launches-indigenous-environmental-advisory-panel>
- McDermott, Vincent. 2018. "ACFN preparing to fight Teck's Frontier project." *Fort McMurray Today*, 2018, January 24. <http://www.fortmcmurraytoday.com/2018/01/24/acfn-preparing-to-fight-tecks-frontier-project>
- McLachlan, Stephane M. 2014. "Water Is a Living Thing" *Environmental and Human Health Implications of the Athabasca Oil Sands for the Mikisew Cree First Nation and Athabasca Chipewyan First Nation in Northern Alberta (Phase Two Report)*. Winnipeg, MB: University of Manitoba. https://landuse.alberta.ca/Forms%20and%20Applications/RFR_ACFN%20Reply%20to%20Crown%20Submission%206%20-%20TabD11%20Report_2014-08_PUBLIC.pdf, accessed December 14, 2015.

- McNeil, Kent. 1997. "The Meaning of Aboriginal Title." In *Aboriginal Title and Treaty Rights in Canada: Essays on Law, Equity, and Respect for Difference*, edited by M. Asch, 135–154. Vancouver, BC: UBC Press.
- McNeill, Jodi, and Nina Lothian. 2017. *Review of Directive 085 Tailings Management Plans*. Pembina Institute, 2017, March 13. <http://www.pembina.org/reports/tailings-whitepaper-d85.pdf>
- McNeill, Jodi, and Thomas F. Thornton. 2017. Pipelines, Petitions and Protests in the Internet Age: Exploring the Human Geographies of Online Petitions Challenging Proposed Transcontinental Alberta Oil Sands Pipelines. *Annals of the American Association of Geographers*, 107 (6): 1279-1298. DOI: 10.1080/24694452.2017.1320212
- Merry, Sally E. 2002. "Ethnography in the Archives." In *Practicing Ethnography in Law: New Dialogues, Enduring Methods*, edited by J. Starr and M. Goodale, 128-142. New York, NY: Palgrave Macmillan.
- Merton, Robert K. 1987. The Focused Interview and Focus Groups. *Public Opinion Quarterly*, 51 (4): 550-566.
- Meskeel, Lynn. 2013a. UNESCO's World Heritage Convention at 40: Challenging the Economic and Political Order of International Heritage Conservation. *Current Anthropology*, 54: 483–194.
- Meskeel, Lynn. 2013b. UNESCO and the Fate of the World Heritage Indigenous Peoples Council of Experts (WHIPCOE). *International Journal of Cultural Property*, 20 (2): 155-174. <https://doi.org/10.1017/S0940739113000039>
- Meskeel, Lynn. 2015. Transacting UNESCO World Heritage: Gifts and Exchanges on a Global Stage. *Social Anthropology/Anthropologie Sociale*, 23 (1): 3-21. DOI: 10.1111/1469-8676.12100
- Mikisew Cree First Nation Government and Industry Relations (GIR). n.d. Untitled [Map of the Mikisew Cree First Nation's consultation boundaries]. <http://mikisewgir.com/maps/>
- Mikisew Cree First Nation. 2014. *Petition to the World Heritage Committee: Requesting Inclusion of Wood Buffalo National Park on the List of World Heritage in Danger*. Fort McMurray, AB: Mikisew Cree First Nation. Available from http://cpawsnab.org/uploads/Mikisew_Petition_respecting_UNESCO_Site_256_-_December_8,_2014.PDF
- Mikisew Cree First Nation. 2016. *Water is Everything – nipî tapîtam: An Indigenous Understanding of the Outstanding Universal Value of Wood Buffalo National Park*. Fort McMurray, AB: Mikisew Cree First Nation Government & Industry Relations.
- Miliband, Ralph. 1969. *The State in Capitalist Society*. Ann Arbor, MI: University of Michigan.
- Mills, Jennifer. 2017. Destabilizing the Consultation Framework in Alberta's Tar Sands. *Journal of Canadian Studies/Revue d'études canadiennes*, 51 (1): 153-185. University of Toronto Press.
- Morgan, David L. 1997. *Focus Groups as Qualitative Research*, 2nd ed. Sage Qualitative Research Methods Series, 16. Newbury Park, CA: Sage.
- Morin, Brandi. 2015. "New Premier tells Alberta's Indigenous peoples: 'I am looking forward to consulting with you and learning from you.'" *APTN*, 2015, May 7. <http://aptn.ca/news/2015/05/07/46350/>
- Morley, Sharon, and Jo Turner, Karen Corteen, and Paul Taylor. 2017. *A Companion to State Power, Liberties & Rights*. Bristol, UK: Policy Press.

- Morton, Jennifer M. 2013. Cultural Code-Switching: Straddling the Achievement Gap. *Journal of Political Philosophy*, 22 (3): 259-281. DOI: 10.1111/jopp.12019
- Nadasdy, Paul. 2005. *Hunters and Bureaucrats: Power, Knowledge, and Aboriginal-State Relations in the Southwest Yukon*. Vancouver, BC: UBC Press.
- Nadasdy, Paul. 2017. *Sovereignty's Entailments: First Nation State Formation in the Yukon*. Toronto, ON: University of Toronto Press.
- Nadel, Mark V. 1976. *Corporations and Political Accountability*. Lexington, MA: D.C. Heath.
- Nader, Laura. 1972. "Up the Anthropologist – Perspectives Gained from Studying Up." In *Reinventing Anthropology*, edited by D. H. Hymes, 284-311. New York, NY: Pantheon Books.
- Nader, Laura. 1996. *Naked Science: Anthropological Inquiry into Boundaries, Power, and Knowledge*. New York, NY: Routledge.
- Nader, Laura. 1997. *Law in Culture and Society*. Berkeley, CA: University of California Press.
- Nanda, Ved P. 2006. The "Good Governance" Concept Revisited. *The Annals of the American Academy of Political and Social Science*, 603 (1): 269-283.
- Natcher, David. C. 2001. Land Use Research and the Duty to Consult: A Misrepresentation of the Aboriginal Landscape. *Land Use Policy*, 18 (2): 113–22. DOI: 10.1016/S0264-8377(01)00011-4.
- Nation Talk. 2017. "Mikisew Cree responds to UNESCO decision on Wood Buffalo National Park." *Nation Talk*, 2017, July 5. <http://nationtalk.ca/story/mikisew-cree-responds-to-unesco-decision-on-wood-buffalo-national-park>
- National Energy Board (NEB). 2007. *Expenditure Management: Departmental Performance Reports 2006-2007*. Treasury Board of Canada Secretariat. <https://www.tbs-sct.gc.ca/dpr-rmr/2006-2007/inst/enr/enr01-eng.asp>
- National Farmers Union. 2013. "Letter to Alberta Premier re: single energy regulator [open letter]." *National Farmers Union*, 2013, April 18. <http://www.nfu.ca/story/letter-alberta-premier-re-single-energy-regulator>
- Newman, Dwight. 2009. *The Duty to Consult: New Relationships with Aboriginal Peoples*. Saskatoon, SK: Purich.
- Newman, Dwight. 2014a. *Revisiting the Duty to Consult Aboriginal Peoples*. Vancouver, BC: UBC Press.
- Newman, Dwight. 2014b. *The Rule and Rule of Law: The Duty to Consult, Aboriginal Communities, and Canada's Natural Resource Sector*. Ottawa, ON: Macdonald-Laurier Institute.
- Nickerson, Marcia. 2017. *Characteristics of a Nation-to-Nation Relationship*. Institute on Governance Discussion Paper, February 2017. <https://iog.ca/docs/IOG-Nation-to-Nation-Discussion-Paper-2017-02.pdf>
- Niezen, Ronald, and Maria Sapignoli. 2017. *Palaces of Hope: The Anthropology of Global Organizations*. Cambridge, UK: Cambridge University Press.
- Niezen, Ronald. 2003. *The Origins of Indigenism: Human Rights and the Politics of Identity*. Berkeley, CA: University of California Press.
- Niezen, Ronald. 2013. *Truth and Indignation: Canada's Truth and Reconciliation Commission on Indian Residential Schools*. Toronto, ON: University of Toronto Press.
- Nikiforuk, Andrew. 2010. *Tar Sands: Dirty Oil and the Future of the Continent*, 2nd Ed. Vancouver, BC: Greystone Books & The David Suzuki Foundation.

- Nikiforuk, Andrew. 2011. "National Energy Board: Captured Regulator?" *The Tyee*, 2011, June 17. <https://thetyee.ca/Opinion/2011/06/17/NEB/>
- O'Faircheallaigh, Ciaran. 2006. Aborigines, Mining Companies and the State in Contemporary Australia: A New Political Economy or 'Business as Usual'? *Australia Journal of Political Science*, 41 (1): 1-22.
- O'Faircheallaigh, Ciaran. 2007. Environmental Agreements, EIA Follow-up and Aboriginal Participation in Environmental Management: The Canadian Experience. *Environmental Impact Assessment Review*, 27 (4): 319-342. DOI: 10.1016/j.eiar.2006.12.002.
- O'Faircheallaigh, Ciaran. 2010. Public Participation and Environmental Impact Assessment: Purposes, Implications, and Lessons for Public Policy Making. *Environmental Impact Assessment Review*, 30: 19-27.
- O'Faircheallaigh, Ciaran. 2017. Shaping Projects, Shaping Impacts: Community-controlled Impact Assessments and Negotiated Agreements. *Third World Quarterly*, 38 (5): 1181-1197. DOI: 10.1080/01436597.2017.1279539
- Onwuegbuzie, Anthony J., Nancy L. Leech, and Kathleen M. T. Collins. 2012. Qualitative Analysis Techniques for the Review of the Literature. *The Qualitative Report*, 17 (28): 1-28. <http://nsuworks.nova.edu/tqr/vol17/iss28/2/>
- Parks Canada. 2017a. "Parks Canada Attendance 2016-17." *Parks Canada*. <https://www.pc.gc.ca/en/docs/pc/attend>
- Parks Canada. 2017b. "Minister McKenna welcomes UNESCO World Heritage decision on Wood Buffalo National Park." *NewsWire*, 2017, July 6. <https://www.newswire.ca/news-releases/minister-mckenna-welcomes-unesco-world-heritage-committee-decision-on-wood-buffalo-national-park-632898343.html>
- Parks Canada. n.d. Map of Wood Buffalo National Park [Map]. Scale not given. In "Plan Your Visit." <http://www.pc.gc.ca/en/pn-np/nt/woodbuffalo/visit/visit7/visit8>
- Parlee, Brenda. 2015. Avoiding the Resource Curse: Indigenous Communities and Canada's Oil Sands. *World Development*, 74: 425-436. DOI: 10.1016/j.worlddev.2015.03.004
- Parlee, Brenda. 2016. "Mobilizing to Address the Impacts of Oil Sands Development: First Nations in Environmental Governance." In *First World Petro-Politics: The Political Ecology and Governance of Alberta*, edited by L. E. Adkin, 329-355. Toronto, ON: University of Toronto Press.
- Pembina Institute. 2017. *Alberta Government Continues its Mismanagement of Fluid Tailings with Approval of CNRL's Tailings Plan*. Drayton Valley, AB: Pembina Institute. <https://www.pembina.org/media-release/alberta-government-continues-its-mismanagement-of-fluid-tailings-approval-of-cnrl-s>
- Peters, Daniel L., Terry D. Prowse, Alain Pietroniro, and Robert Leconte. 2006. Flood Hydrology of the Peace-Athabasca Delta, Northern Canada. *Hydrological Processes*, 20 (19): 4073-4096. DOI: 10.1002/hyp.6420
- Phillips, Jeffrey P. T. 2008. *Collecting Rent: Political Culture and Oil and Gas Fiscal Policy in Alberta, Canada and Norway* (Master's thesis). Vancouver, BC: University of British Columbia.
- Plourde, André. 2011. Oil Sands Royalties and Taxes in Alberta: An Assessment of Key Developments since the Mid-1990s. *The Energy Journal*, 30 (1): 111-139. <http://www.jstor.org/stable/41323224>
- Pomeroy, Robert S. and Fikret Berkes. 1997. Two to Tango: The Role of Government in Fisheries Co-management. *Marine Policy*, 21: 465-80.

- Pralle, Sarah B. 2006. *Branching Out, Digging In: Environmental Advocacy and Agenda Setting*. Washington, DC: Georgetown University Press.
- Pratt, Sheila. 2007. "Oil executives shouldn't run a key government agency, even temporarily." *Edmonton Journal*, 2007, August 20.
<http://www.straightgoods.ca/ViewFeature7.cfm?REF=427>
- Pratt, Sheila. 2013. "New energy regulator will weaken environmental protection, say critics." *Edmonton Journal*, 2013, March 17.
<http://www.albertalandownerscouncil.com/March%2017,%202013,%20Edmonton%20Journal-New%20energy%20regulator%20will%20weaken%20environmental%20protection.pdf>
- Priority Project on Sustainable Resource Development. 2013. *Benefit Agreements in Canada's North*. Report prepared for the Northern Development Ministers Forum.
<http://www.nadc.gov.ab.ca/Docs/benefit-agreements-2013.pdf>.
- Prno, Jason. 2007. *Assessing the Effectiveness of Impact and Benefit Agreements from the Perspective of their Aboriginal Signatories* (Master's thesis). Guelph, ON: The University of Guelph Press.
- Pynn, Larry. 2017. "United Nations report expresses concern about Site C impact on Wood Buffalo National Park." *Vancouver Sun*, 2017, July 7.
<http://vancouversun.com/news/local-news/united-nations-report-expresses-concern-about-site-c-impact-on-wood-buffalo-national-park>
- Rabson, Mia. 2017. "Deadline set for Canada to improve national park in Alberta or risk UN calling it 'in danger'." *Global News*, 2017, June 6.
<https://globalnews.ca/news/3507787/deadline-set-for-canada-to-improve-national-park-in-alberta-or-risk-losing-un-heritage-status/>
- Reed, Maureen, and Shannon Bruyneel. 2010. Rescaling Environmental Governance, Rethinking the State: A Three-dimensional Review. *Progress in Human Geography*, 34 (5): 646-653. DOI: 10.1177/0309132509354836
- Reinhold, Susan. 1994. *Local Conflict and Ideological Struggle: "Positive Images" and Section 28* (Doctoral thesis). Sussex, UK: University of Sussex.
- Reinhold, Susan. 2011. "'Studying Through': A Strategy for Studying Political Transformation. Or Sex, Lies and British Politics." In *Policy Worlds: Anthropology and the Analysis of Contemporary Power*, edited by S. Wright, C. Shore, and D. Però, 86-104. New York, NY: Berghahn Books.
- Rhodes, R.A.W., Paul 't Hart, P., and Mirko Noordegraaf. 2007. *Observing Elites: Up Close and Personal*. Basingstoke, UK: Palgrave.
- Richards, John, and Larry Pratt. 1979. *Prairie Capitalism: Power and Influence in the New West*. Toronto, ON: McClelland and Stewart
- Riebe, Natasha. 2017. "UN committee directs Canada to protect Wood Buffalo National Park — or else." *CBC News*, 2017, July 5. <http://www.cbc.ca/news/canada/edmonton/wood-buffalo-national-park-edmonton-un-1.4192163>
- Ritchie, Kaitlin. 2013. Issues Associated with the Implementation of the Duty to Consult and Accommodate Aboriginal Peoples: Threatening the Goals of Reconciliation and Meaningful Consultation. *University of British Columbia Law Review*, 46 (2): 397-438.
- Rogers, Douglas. 2015. Oil and Anthropology. *Annual Review of Anthropology*, 44: 365-380. DOI: 10.1146/annurev-anthro-102214-014136

- Roseberry, William. 1988. Political Economy. *Annual Review of Anthropology*, 17: 161-185. DOI: 10.1146/annurev.an.17.100188.001113
- Ross, Leanne. 2015. *The Politics of TEK in Oil and Gas: Knowledge (Re)constructions and Assimilation* (Master's Major Paper). Toronto, ON: York University. http://fes.yorku.ca/files/outstanding-papers/RossMRPaper2015_FinalRevised.pdf
- Ross, Monique M. 2003. Aboriginal People and Resource Development in Northern Alberta. *CIRL Occasional Paper # 12*. Calgary, AB: Canadian Institute of Resources Law. <http://prism.ucalgary.ca/bitstream/1880/47197/1/OP12Peoples.pdf>
- Rössler, Mechtild. 2006. World Heritage Cultural Landscapes: A UNESCO Flagship Programme 1992-2006. *Landscape Research*, 31: 333-353.
- Rudny, Bernard. 2015. *Albertans' Opinions on Climate Change, Energy and the Environment*. Pembina Institute and EKOS. <https://www.pembina.org/reports/ab-opinions-fall-2015.pdf>
- Russell, Matthew A. 2011. *Mining the Social Web: Analyzing Data from Facebook, Twitter, LinkedIn, and Other Social Media Sites*. Sebastopol, CA: O'Reilly Media.
- Santos, Lorrie Ann. 2008. Genetic Research in Native Communities. *Progress in Community Health Partnerships: Research, Education, and Action*, 2 (4): 321-327. DOI: 10.1353/cpr.0.0046
- Schaap, Andrew. 2008. Reconciliation as Ideology and Politics. *Constellations*, 15 (2): 249-64.
- Schia, Niels N. 2013. Being Part of the Parade – “Going Native” in the United Nations Security Council. *PoLAR*, 36 (1): 138-156. DOI: 10.1111/plar.12007
- Scholze, Marko. 2008. The Politics of Inscription into the UNESCO World Heritage List: The Case of Agadez in Niger. *Journal of Material Culture*, 13 (2): 215-231. DOI:10.1177/1359183508090895
- Scott, Colin. 1996. “Science for the West, Myth for the Rest? The Case of James Bay Cree Knowledge Construction.” In *Naked science: Anthropological inquiry into boundaries, power, and knowledge*, edited by L. Nader, 69-86. New York, NY: Routledge.
- Shapiro, Sidney A. 2012. The Complexity of Regulatory Capture: Diagnosis, Causality and Remediation. *Roger Williams University Law Review*, 102 (1).
- Shore, Cris. 2005. “The State of the State in Europe, or, ‘What is the European Union that Anthropologists Should be Mindful of It.’” In *State Formation: Anthropological Perspectives*, edited by C. Krohn-Hansen and K. Nustad, 234-255. London, UK: Pluto Press.
- Shore, Cris, and Stephen Nugent (Eds.). 2002. *Elite Cultures: Anthropological Perspectives*. New York, NY: Routledge.
- Shore, Cris, and Susan Wright. 2006. *Anthropology of Policy: Critical Perspectives on Governance and Power*. London, UK: Routledge.
- Shore, Cris, and Susan Wright. 2011. “Conceptualizing Policy: Technologies of Governance and the Politics of Visibility.” In *Policy Worlds: Anthropology and the Analysis of Contemporary Power*, edited by C. Shore, S. Wright, and D. Però, 1-26. New York, NY: Berghahn Books.
- Shrivastava, Meenal, and Lorna Stefanick. 2015. *Alberta Oil and the Decline of Democracy in Alberta*. Edmonton, AB: Athabasca University Press.
- Slowey, Gabrielle. 2008. *Navigating Neoliberalism: Self-Determination and the Mikisew Cree First Nation*. Vancouver, BC: UBC Press.

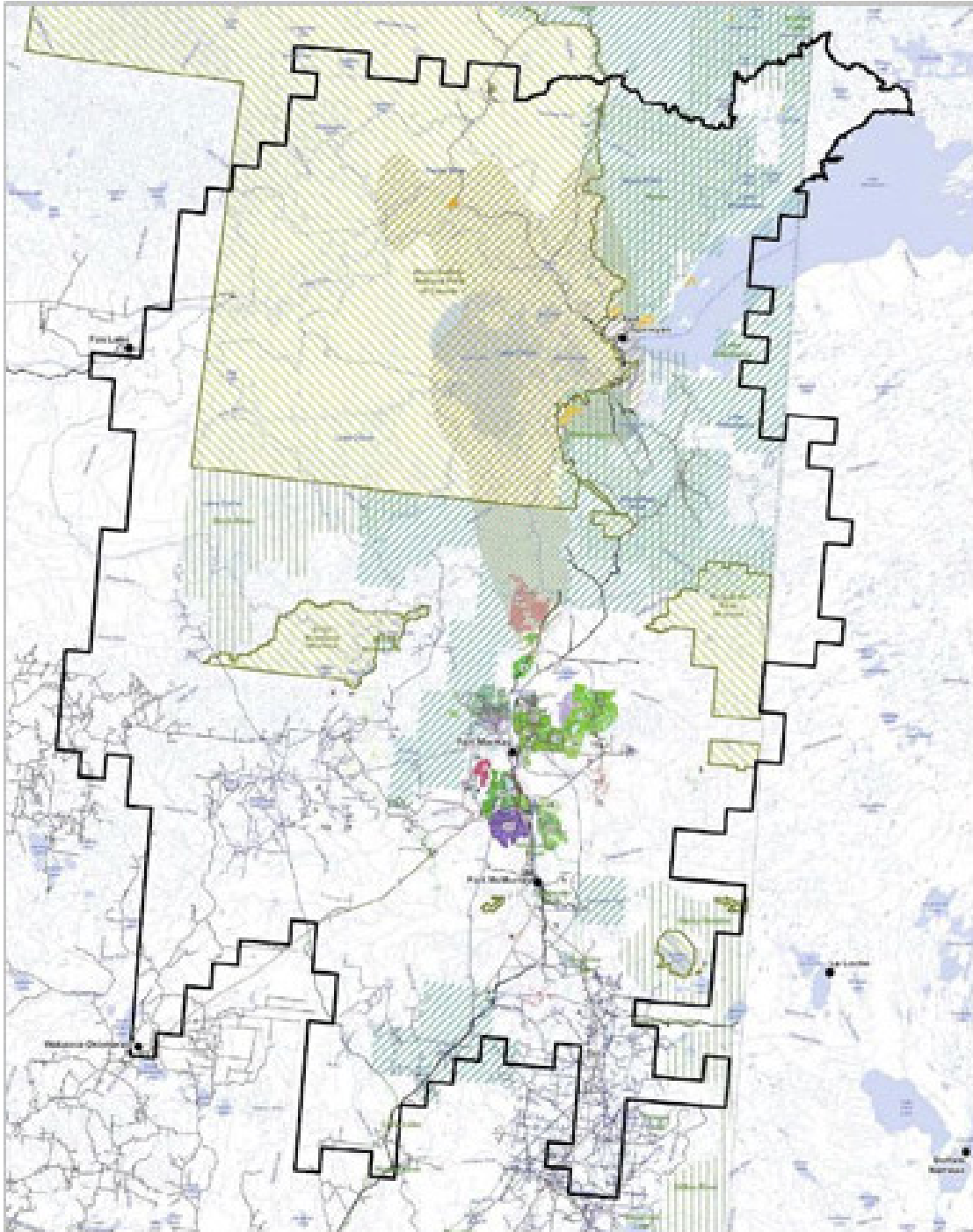
- Slowey, Gabrielle. 2009. "A Fine Balance? Aboriginal Peoples in the Canadian North and the Dilemma of Development." In *First Nations, First Thoughts: The Impacts of Indigenous Thought in Canada*, edited by A. Timpson, 229-250. Vancouver, BC: UBC Press.
- Slowey, Gabrielle, and Lorna Stefanick. 2015. "Development at What Cost? First Nations, Ecological Integrity, and Democracy." In *Alberta Oil and the Decline of Democracy in Canada*, edited by M. Shrivastava and L. Stefanick, 195-224. Edmonton, AB: Athabasca University Press.
- Smith, James G. E. 1981. "Western Woods Cree." In *Handbook of North American Indians* Vol. 6 (Subarctic), edited by June Helm and William C. Sturtevant, 256-270. Washington, DC: Smithsonian Institution.
- Smith, James G. E. 1987. The Western Woods Cree: Anthropological Myth and Historical Reality. *American Ethnologist*, 14 (3): 434-448. <http://www.jstor.org/stable/644951>
- Smith, J. Jerome. 1993. Using ANTHROPAC 3.5 and a Spreadsheet to Compute a Free-list Salience Index. *Cultural Anthropology Methods*, 5: 1-3.
- Smith, J. Jerome, and Stephen P. Borgatti. 1997. Salience Counts – and so Does Accuracy: Correcting and Updating a Measure for Free-list-item Salience. *Journal of Linguistic Anthropology*, 7 (2): 208-209.
- Smith, Linda Tuhiwai. 2012. *Decolonizing Methodologies: Research and Indigenous Peoples*, 2nd Ed. London, UK: Zed Books.
- Smith, Peter J. 2015. "Petro-Politics in Alberta and Canada: A New Spatiality of Political Contestation?" In *Alberta Oil and the Decline of Democracy in Canada*, edited by M. Shrivastava and L. Stefanick, 89-112. Edmonton, AB: Athabasca University Press.
- Southcott, Chris, and David Natcher. 2017. Extractive Industries and Indigenous Subsistence Economies: a Complex and Unresolved Relationship. *Canadian Journal of Development Studies / Revue canadienne d'études du développement*, 39 (1): 137-154. DOI: 10.1080/02255189.2017.1400955
- Spiro, Melford E. 1992. *Anthropological Other or Burmese Brother? Studies in Cultural Analysis*. London, UK: Transaction Publishers.
- Stefanick, Lorna. 2015. "Blurring the Boundaries of Private, Partisan, and Public Interests: Accountability in an Oil Economy." In *Alberta Oil and the Decline of Democracy in Alberta*, edited by M. Shrivastava and L. Stefanick, 363-389. Edmonton, AB: Athabasca University Press.
- Stetski, Wayne. 2016. House of Commons Debates (42-1), No. 114. 2016, November 24. <http://www.ourcommons.ca/DocumentViewer/en/42-1/house/sitting-114/hansard>
- Stetski, Wayne. 2017. House of Commons Debates (42-1), No. 208. 2017, September 28. <http://www.ourcommons.ca/Content/House/421/Debates/208/HAN208-E.PDF#page=73>
- Steward, G. 2017. *Betting on Bitumen: Alberta's Energy Policies from Lougheed to Klein*. Edmonton, AB: Parkland Institute & the Canadian Centre for Policy Alternatives.
- Strang, Veronica. 2012. "Water, Land and Territory." In *SAGE Handbook of Social Anthropology*, Vol. 2, edited by R. Fardon, O. Harris, T. H. J. Marchand, M. Nuttall, C. Shore, V. Strang, and R. A. Wilson, 312-328. London, UK: Sage.
- Strathern, Marilyn. 2000. *Audit Culture: Anthropological Studies in Accountability, Ethics and the Academy*. London, UK: Routledge.
- Swenson, Jill D., William F. Griswold, and Pamela B. Kleiber. 1992. Focus Groups: Method of Inquiry/Intervention. *Small Group Research*, 23: 459-474.

- Tabakovik, Haris, and Thomas Wollmann. 2017. *From Revolving Doors to Regulatory Capture? Evidence from Patent Examiners* (Working paper).
http://faculty.chicagobooth.edu/thomas.wollmann/docs/Revolving_Doors_Tabakovic_Wollmann.pdf
- Taylor, Alison, and Tracy Freidel. 2011. Enduring Neoliberalism in Alberta's Oil Sands: The Troubling Effects of Private–Public Partnerships for First Nation and Métis communities. *Citizenship Studies*, 15 (6/7): 815-835.
- The Canadian Press. 2016. “Alberta government moves to repeal contentious aboriginal consultation bill.” *Edmonton Sun*, 2016, May 3.
<http://edmontonsun.com/2016/05/03/alberta-government-moves-to-repeal-contentious-aboriginal-consultation-bill-2/wcm/f7f11ce9-5401-4c40-b41e-9c6ff4c8ee5a>
- Thurton, David. 2017. “Indigenous people ‘losing their voice in the oilsands,’ says stakeholder group.” *CBC News*, 2017, June 2. <http://www.cbc.ca/news/canada/edmonton/cema-cumulative-environmental-management-association-fort-mcmurray-1.4142499>
- Trebeck, Katherine. 2008. “Corporate Social Responsibility and Democratisation.” In *Earth Matters: Indigenous Peoples, the Extractive Industries and Corporate Social Responsibility*, edited by C. O’Faircheallaigh and S.H. Ali, 8–23. Sheffield, UK: Greenleaf Publishing.
- Truth and Reconciliation Commission of Canada (TRC). 2015. *Calls to Action*. Winnipeg, MB: Truth and Reconciliation Commission of Canada.
- Tsing, Anna. 2015. *The Mushroom at the End of the World: On the Possibility of Life in Capitalist Ruins*. Princeton, NJ: Princeton University Press.
- Tully, James. 2004. Recognition and Dialogue: The Emergence of a New Field. *Critical Review of International Social and Political Philosophy*, 7 (3): 84-106.
- Tully, James. 2008. Modern Constitutional Democracy and Imperialism. *Osgoode Hall Law Journal*, 46 (3): 461-493. <http://digitalcommons.osgoode.yorku.ca/ohlj/vol46/iss3/1>
- UNESCO. 1972. *Convention Concerning the Protection of the World Cultural and Natural Heritage*. General Conference of the United Nations Educational, Scientific and Cultural Organization (17th Session). Stockholm. SE: UNESCO.
<https://whc.unesco.org/en/conventiontext/>
- UNESCO. 2015. *Decision: 39 COM 7B.18, Wood Buffalo National Park (Canada) (N 256)*. World Heritage Committee. Bonn, DE: UNESCO.
<http://whc.unesco.org/en/decisions/6275/>
- UNESCO. 2017. *Item 7B of the Provisional Agenda: State of conservation of properties inscribed on the World Heritage List*. World Heritage Committee. Krakow, PL: UNESCO. <http://whc.unesco.org/archive/2017/whc17-41com-7BAdd-en.pdf>
- UNESCO. n.d.. *State Parties: Canada*. <http://whc.unesco.org/en/statesparties/ca>
- Urquhart, Ian. 2010. Between the Sands and a Hard Place?: Aboriginal People and the Oil Sands. *Buffett Center for International and Comparative Studies*, Working Paper No. 10-005: Energy Series. https://buffett.northwestern.edu/documents/working-papers/Energy_10-005_Urquhart.pdf
- Urquhart, Ian. 2018. *Costly Fix: Power, Politics, and Nature in the Tar Sands*. Toronto, ON: University of Toronto Press.
- Van de Graaf, Thijs, and Jeff Colgan. 2016. Global Energy Governance: A Review and Research Agenda. *Palgrave Communications*, 2: 1-12. DOI: 10.1057/palcomms.2015.47

- Van der Waal, Kees. 2009. "Getting Going: Organizing Ethnographic Fieldwork." In *Organizational Ethnography: Studying the Complexity of Everyday Life*, edited by S. Yberma, D. Yanow, H. Weis, and F. H. Kamsteed, 23-39. London, UK: Sage.
- Walby, Kevin. 2007. Social Relations of Research: A Critical Assessment of Institutional Ethnography. *Qualitative Inquiry*, 13 (7): 1008-1030. DOI: 10.1177/1077800407305809
- Wanvik, Tarje I. 2016. Governance Transformed into Corporate Social Responsibility (CSR): New Governance Innovations in the Canadian Oil Sands. *The Extractive Industries and Society*, 3 (2): 517-526.
- Wanvik, Tarje I., and Ken Caine. 2017. Understanding Indigenous Strategic Pragmatism: Métis Engagement with Extractive Industry Developments in the Canadian North. *The Extractive Industries and Society*, 4 (3): 595-605. DOI: 10.1016/j.exis.2017.04.002
- Watts Michael J. 2005. Righteous Oil? Human Rights, the Oil Complex, and Corporate Social Responsibility. *Annual Review of Environmental Resources*, 30: 373-407.
- Weaver, Sally. 1981. *Making Canadian Indian Policy: The Hidden Agenda 1968-70*. Toronto, ON: University of Toronto Press.
- Weber, Bob. 2018. "Canada's largest national park, UNESCO site threatened: environmental assessment." *National Post*, 2018, June 26. <http://nationalpost.com/pmn/news-pmn/canada-news-pmn/canadas-largest-national-park-unesco-site-threatened-environmental-assessment>
- Welch, Catherine, Rebecca Marschan-Piekkari, Heli Penttinen, and Marja Tahvanainen. 2002. Corporate Elites as Informants in Qualitative International Business Research. *International Business Review*, 11 (5): 611-628. [http://dx.doi.org/10.1016/S0969-5931\(02\)00039-2](http://dx.doi.org/10.1016/S0969-5931(02)00039-2)
- Weller, Susan C. 2014. "Structured Interviewing and Questionnaire Construction." In *Handbook of Methods in Cultural Anthropology*, 2nd Ed., edited by H. R. Bernard and C. C. Gravlee, 343-390. Lanham, MD: Rowman & Littlefield.
- Westman, Clinton N. 2013. Social Impact Assessment and the Anthropology of the Future in Canada's Tar Sands. *Human Organization*, 72 (2): 111-120.
- Westman, Clinton N., and Christine Schreyer. 2014. Îñihyawîtwâw "They Are Speaking Cree": Cree Language Use and Issues in Northern Alberta, Canada. *International Journal for the Sociology of Language*, 230 (6): 115-140.
- Whitehead, Tony L. 2005. Basic Classical Ethnographic Research Methods: Secondary Data Analysis, Fieldwork, Observation/Participant Observation, and Informal and Semi-Structured Interviewing. *Ethnographically Informed Community and Cultural Assessment Research Systems (EICCARS)*, Working Paper Series. <http://www.cusag.umd.edu/documents/workingpapers/classicalethnomethods.pdf>
- Wilt, James. 2017. "Canada tells NAFTA leaky oilsands tailings ponds a 'challenge' to prove, despite existing federal study." *Desmog Canada*, 2017, November 17. <https://www.desmog.ca/2017/11/17/canada-tells-nafta-leaky-oilsands-tailings-ponds-challenge-prove-despite-existing-federal-study>
- Wolf, Eric. 1982. *Europe and the People Without History*. Berkeley, CA: University of California Press.
- Woolford, Andrew. 2005. *Between Justice and Certainty: Treaty Making in British Columbia*. Vancouver, BC: UBC Press.

- World Heritage Centre and International Union for the Conservation of Nature (IUCN). 2017. *Reactive Monitoring Mission to Wood Buffalo National Park, Canada: 25 September-4 October 2016*. Mission Report.
- Young, Kevin L. 2012. Transnational Regulatory Capture? An Empirical Examination of the Transnational Lobbying of the Basel Committee on Banking Supervision. *Review of International Political Economy*, 19 (4), 663-688. DOI: 10.1080/09692290.2011.624976
- Zalik, Anna. 2016. “‘Duty to Consult’ or ‘License to Operate’? Corporate Social Practice and Industrial Conflict in the Alberta Tar Sands and the Nigerian Niger Delta.” In *First World Petro-Politics: The Political Ecology and Governance of Alberta*, edited by L. E. Adkin, 356-384. Toronto, ON: University of Toronto Press.

Appendix A: Míkisew's Consultation Boundaries



Appendix A. Map delineating the boundaries established by Míkisew, within which consultation is expected (Map by Míkisew Cree First Nation Government & Industry Relations, n.d.).

Appendix B: Consent Form

Project Title: An Ethnography of Oil Sands Energy Governance: Negotiating Development and Indigenous Rights in Northern Alberta

Researcher:

Katie Wheatley, Master's Candidate, Archaeology and Anthropology
Clint Westman, Archaeology and Anthropology

Purpose(s) and Objective(s) of the Research:

Ethnographic and interview research relating to energy.

Procedures:

We will be asking you some questions about your experiences with government and industry in terms of energy development. We will provide you with a copy of the interview transcript and give you the opportunity to discuss any concerns you have at that time. You may terminate the interview or revoke permission at any time.

Please feel free to ask any questions regarding the procedures and goals of the study or your role.

Funded by: Social Science and Humanities Research Council; Northern Scientific Training Program; University of Saskatchewan Anthropology Trust Fund

Potential Risks:

- There are no known or anticipated risks to you by participating in this research.
However, you may experience stress in discussing some matter depending upon your own experiences with the energy sector.
- **If you do become stressed or emotional you have the right to terminate the interview at any time.**

Potential Benefits:

- The research is beneficial to society by building an understanding of impacts and benefits of the energy sector in people's lived experience.
- Should you agree, your personal interview may be archived for the public to view.

Confidentiality:

- You are being asked to participate in this project as a named interview subject. Anonymity can be provided if you request it.
- We will store your data for at least five years on a password-protected computer or in a locked filing cabinet.

Right to Withdraw:

- Your participation is voluntary and you can answer only those questions that you are comfortable with. You may withdraw from the research project for any reason, at any time without explanation or penalty of any sort.
- Should you wish to withdraw, we will not use your data.
- Your right to withdraw data from the study will apply until results have been disseminated. After this date, it is possible that some form of research dissemination will have already occurred and it may not be possible to withdraw your data.

Follow up:

- To obtain results from the study, please contact Dr. Clint Westman at clint.westman@usask.ca or at 306-966-4179.

Questions or Concerns:

- Contact Dr. Clint Westman at clint.westman@usask.ca or at 306-966-4179;
- This research project has been approved on ethical grounds by the University of Saskatchewan Research Ethics Board. Any questions regarding your rights as a participant may be addressed to that committee through the Research Ethics Office ethics.office@usask.ca (306) 966-2975. Out of town participants may call toll free (888) 966-2975.

Your signature below indicates that you have read and understand the description provided; I have had an opportunity to ask questions and my/our questions have been answered. I consent to participate in the research project. A copy of this Consent Form has been given to me for my records.

_____ <i>Name of Participant</i>	_____ <i>Signature</i>	_____ <i>Date</i>
	_____ <i>Researcher's Signature</i>	_____ <i>Date</i>

A copy of this consent will be left with you, and a copy will be taken by the researcher.

Appendix C: Interview Guide

I have asked you here in hopes that you'll share with me your experiences in energy development in Northern Alberta. I want to learn about your experiences and views on the management of energy development in the area.

I'd like to take some notes as I go to help me better recall what you've said. If I may have your permission, I would also like to tape this interview so that I can go over it later and not be glued to my notebook as we talk. Would that be OK?

While I'm assisting Mikisew's GIR office for the summer, I'm conducting this interview in an independent capacity, as a Master's student at the University of Saskatchewan. Know that you can end the interview at any time, and you can choose whether or not your identity is attached to what you share here today – I'll assume you'd like to remain anonymous, unless you tell me otherwise.

Also, please remember that there is no right answer. Any details you can offer would help me better understand your experience and lived realities locally.

Personal experience

Can you tell me a bit about how you've engaged with energy development in Northern Alberta?

- *What is your involvement in managing energy development in Northern Alberta?*²⁸
- *What led to you taking this role?*
- *How does your profession influence your views on energy development?*

How have you seen energy development, and its political management, change in recent years?

How do you find industry – government – community relations have changed in recent years?

Can you tell me what aspect(s) of energy development and its management concerns you most?

A growing concern seems to be reclamation in the oil sands. Increasing attention is being paid to tailings management, end pit lakes, and reclamation more broadly. Can you tell me a bit about reclamation?

In terms of natural resource extraction in Alberta, what do you believe is in the public interest?

- *How is the public interest identified regarding energy development?*

MCFN-specific questions *(reserved for those directly engaging with the Mikisew)*

Can you tell me how social and cultural knowledge of the MCFN and/or other Indigenous communities comes to play in your work?

Can you tell me how the MCFN is represented as a community and social group in negotiating energy development?

- *Can you elaborate in describing some of the ways in which the MCFN community is represented with government and industry?*

What do you know about other Indigenous communities' experiences with energy development?

- *How do you feel the MCFN experience with energy development differs compared to nearby Indigenous communities?*
- *What about Indigenous communities elsewhere in Canada?*
- *And non-Indigenous communities?*

²⁸ N.B. The questions in italics constitute rephrasing or additional prompts of the primary interrogation made, and will be used with my discretion as additional details or clarity is required.

The process of negotiating energy development

What do you think constitutes good governance?

- *Are there Indigenous-specific views of good governance? Can you describe them, if so?*

What do you see as meaningful consultation?

- *Can you give me an example of meaningful consultation?*
- *What are the greatest barriers to meaningful consultation?*

During the lifetime of a proposed project, from its emergence as an idea to its end of life, can you tell me what meaningful consultation would look like?

- *(a blank, sparsely illustrated timeline will be presented to the informant, and filled out during this exchange as a means of allowing the informant to expand as needed and fact-check throughout.)*

What do you see as the strongest means for local communities to control and affect change in managing energy development?

Could you sort a list of strategies undertaken by Indigenous communities in terms of their strength in supporting community interests?

- *lobbying and advocacy work (re policy + particular projects)*
- *consultation procedures of government*
- *negotiation with industry (ex IBAs, MOUs)*
- *litigation strategies*
- *other?*
- *(these will be offered visually so that the informant may manually sort these according to their views)*

Can you explain some of the differences between working with industry versus working with government, when negotiating energy development?

So if you were telling a friend about lessons you have learned in your work in energy development, what would you share?

Can you identify any best practices when energy development negotiations occur between Indigenous communities, government and industry?

The broader socio-political context

What comes to mind when I mention reconciliation in Canada?

- *Can you reflect upon the growing attention being given to the idea of reconciliation?*

Do you want to share any thoughts on the UN Declaration on the Rights of Indigenous Peoples?

- *How about how people in Canada – such as policy makers or Indigenous actors – have responded to the Declaration?*

How do you think reconciliation and UNDRIP connect to energy development (and consultation) here in Northern Alberta?

Conclusion

As I wrap up my questions, is there anything you'd like to add to our conversation?

- *Do you have any final comments for me?*

Appendix D: Professional Network Analysis Data

#	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
1			G	G	G	G	G	G	G	I	I	I	I	I	I	I	I	I	I	I	I
2										R	R	R	R	R	R	G	G	G	G	G	G
3												I	I	I	I	G	G	I	I	I	I
4	G	I	I	I	I	I	I	I	I	I	I	C	C	C	C	C	C	C	C	C	C
5					I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	R
6																I	I	I	I	R	R
7									R	R	R	R	R	R	R	R	R	R	R	R	R
8	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	R	R	R	R	R
9									G	G	G		G	G	G	G	R	R	R	R	R
10											G	G	G	G	G	G	R	R	R	R	R
11	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G
12																G	G	G	G	G	G
13															G	G	G	G	I	I	I
14			I	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
15				I	I	I	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
16							I	I	I	I						C	C	C	C	C	C
17																G	G	G	C	C	C
18						I	I	I	I	I	I	I	I	I	C	C	C	C	C	C	C
19										I	C	C	C	C	C	C	G	G	G	G	G
20	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	I	I	G	G	R	R
21																I	I	I	R	R	R
22																I	I	R	R	R	R
23	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
24												I	R	R	R	R	R	R	R	R	R
25	R	R	R	R	R	R	R	R	I	I	I	I	I	I	I	I	I	I	I	I	I
26									I	I	I	I	G	G	G	G	G	R	R	R	R
27									R	R	R	R	R	R	R	R	I	I	I	I	I
28																I	I	G	G	G	G
29										I	I	I	I	I	I	I	I	I	I	I	I
30																C	C	C	C	I	I
31							G	G	C	C	C	C	C	C	C	C	I	I	C	C	C
32	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	I	I	I	I	I
33					G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G
34	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	I	I	I
35	I	I	I	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G
36												I	I	I	I	I	I	I	R	R	R
37	G	G	G	I	I	I	G	G	G	G	G	G	G	G	G	G	G	R	R	I	I
38											G	G	G	G	G	G	G	R	R	R	R
39	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	R	R
40					I	I	I	R	R	R	R	R	R	R	R	R	R	R	R	R	R
41										I	I	I	R	R	R	R	R	R	R	R	R
42				I	I	I	I	I	I	I	R	R	R	R	R	R	R	R	R	R	R
43	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	I	I	I	I
44		R	R	R	R	R	R	R	R	R	R	R	R	R	R	R		I	I	I	I
45										G	G	G	G	I	I	I	R	R	R	R	R
46											G	G	G	G	R	R	R	R	R	R	R
47	I	I	I	I	I	I	I	I	I	I	I	R	R	R	R	R	R	R	R	R	R
48												R	R	R	R	I	I	I	I	I	I
49	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	R	R	R	R	R
50	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R

R	Regulator	G	Government	I	Industry	C	Indigenous community
---	-----------	---	------------	---	----------	---	----------------------

#	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
51	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	R	R	R	R
52											R	R	R	R	R	R	R	R	R	R	R
53						I	I	I	I	I	I	R	R	R	R	R	R	R	R	R	R
54														G	G	G	G	G	G	G	G
55				G	G		G	G	G	G	G	G	G	G	G	G	R	R	R	R	R
56										I	I	I	I	I	R	R	R	R	R	R	
57													I	I	R	R	R	R	R	R	R
58	I	I	I	I	I	I	I	I			I	I	I	I	I	I	I	I	I	I	
59									I	I	R	R	R	R	R	R		R	R	R	R
60									G	G	G	G	G	G	G	G	R	R	R	R	R
61														R	R	R	R	R	R	R	R
62																I	I	R	R	R	R
63															I	I	I	I	I	I	I
64															I	I		G	C	R	R
65	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R		R			
66							R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
67										C		G				R	R	R	R	R	R
68			G			G	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I
69												I	I	I	I	R	R	R	R	R	R
70														I	I	C	C	C	C		
71															I	I	I	I	I	I	I
72			R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	I	I	I
73						I											R	R	R	R	R
74												G	I	I	I	I	I	I	I		I
75				G	G	G	G	G	G	I	I	I	R	R	R	R	R	R	R	R	R
76												I						R	R	R	R
77										I	I	R	R	R	R	R		G	G	G	I
78											G	G	G	G	G	G	G	R	R	R	R
79	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	I	I	I	I
80																					C
81			R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	I	I	I	I
82															I	G	G	G	G	C	G
83																		C	C	C	C
84											I	I	I	I	I	I	G	G	I	I	I
85		I	I	I											I	I	I	I	I	I	
86	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I
87						C	C	C	C	C	C	C	C	C	C	C	C	C	G	G	I
88	C	C	C	C	C					C	C	C	C	C					I	I	I
89												I	I	I	I	I	I	I	I	I	C
90	I	I	I	I			I	G	G	G	G	G	G	G	G	G	C	C	C	C	I
91	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G
92					C	C	C			C	C	C	C	C	C	C	I	I	I	I	I
93				I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I
94		G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	I	I	G	G	G
95												I	I	I	I	I	I	I	I	I	G
96		G	G														C	C	C	C	C
97	G	G	G	G	G	G	G	G	G	G	G	G	G	G	C	C	C	C	C	C	C
98																I	I	I	I	I	I
99	C	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I

R	Regulator	G	Government	I	Industry	C	Indigenous community
---	-----------	---	------------	---	----------	---	----------------------

#	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
101	G	G	G	G	G	G	G	G													C
102										I	I	I	I								C
103																	R	G	G	G	G
104																			C	C	C
105									G	G	G	G	G	G	G	G	G	G	C	C	C
106	G	G	G	G	G	G	G	G	G	G	G	I	I	I	I	I	I	I	I		
107					I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I
108												C	C	C	I	C	C	C	C	C	C
109															C	C	C	C	C	C	C
110											G	G	G	G	G	G	G	G	G	G	G
111										G	G	G	G	G	G		I	I	I	I	C
112																		C	C	C	C
113							G	G	G								G	G	G	G	I
114										I	I	I	I	I	I	I	I	I	I	I	I
115												G	C	C	C	C	C	C	C	C	C
116	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I
117								I	I	I	I	I	I	I	I	I	I	I	I	I	I
118										I	I	I	I	I	I	I	I	I	I	I	I
119					G	I	I	I	I	I	I	I	I	G	G	G	G	G	G	G	G
120																I	I	I	I	I	I
121	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	I	I	I	I
122												G	G	G	I	I	I	I	I	I	I
123												I	I	I	I	G	G	G	G	G	G
124																I	C	C	C	C	C
125				I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I

R	Regulator	G	Government	I	Industry	C	Indigenous community
---	-----------	---	------------	---	----------	---	----------------------

Appendix D. Professional experience of individuals engaged in energy governance in Alberta (sourced from meeting notes and public LinkedIn profiles).

N.B. Tertiary firms such, as contractors directly hired by industry, community or government offices, were categorized according to the sector they served (e.g., ancillary services for industry was categorized as I.)